

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

to Claimant [REDACTED 2],

to Claimant [REDACTED 3],

to Claimant [REDACTED 4],

and to Claimant [REDACTED 5]

in re Account of Mordechas Weisz

Claim Numbers: 001165/GO; 002543/GO; 713935/GO;¹ 715059/GO;
715062/GO;² 724354/GO; 724357/GO³

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the account of Josef Weisz;⁴ the claims of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) and [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”) to the account of Mordechai Weisz; and the claims of Ruth [REDACTED 5], née [REDACTED], (“Claimant [REDACTED 5]”) (together the “Claimants”)

¹ In 1999, [REDACTED 1] submitted an Initial Questionnaire (“IQ”), numbered HEB-0078017, 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 713935.

² [REDACTED 3] and [REDACTED 4] did not submit Claim Forms to the CRT. However, in 1999 they each submitted an IQ, numbered HEB-0108155 and HEB-0108161, respectively, to the Court in the United States. These IQs were forwarded to the CRT and have been assigned claim numbers 715059 and 715062, respectively.

³ [REDACTED 5] did not submit a Claim Form to the CRT. However, in 1999 she submitted two IQs, numbered HEB-0338075 and HEB-0338082, to the Court in the United States. These IQs were forwarded to the CRT and have been assigned claim numbers 724354 and 724357, respectively.

⁴ The CRT did not locate an account belonging to Josef 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”).

to the account of Mordechai Weisz. This Award is to the unpublished account of Mordechas Weisz (the “Account Owner”) at the Davos branch of the [REDACTED] (the “Bank”).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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1] and Claimant [REDACTED 2]

Claimant [REDACTED 1] and Claimant [REDACTED 2], who are sisters, each submitted a Claim Form, and Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”), providing substantially similar information and identifying the Account Owner as their brother, Mordechai Weisz, who was born in Halmeu, Romania. Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that their brother, who was Jewish, was deported together with their father, [REDACTED], and two other brothers to Auschwitz, where they all perished.

Claimant [REDACTED 1] indicated that she was born on 6 September 1926 in Halmeu. Claimant [REDACTED 2] indicated that she was born on 4 January 1921 in Halmeu.

Claimant [REDACTED 2] previously submitted an IQ to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Josef Weisz.

Claimant [REDACTED 3] and Claimant [REDACTED 4]

Claimant [REDACTED 3] and Claimant [REDACTED 4], who are sisters, each submitted an IQ, providing substantially similar information and identifying the Account Owner as their father, Mordechai Weisz. Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that their father, who was Jewish, was born and resided in Ratin, Romania. In a telephone conversation with the CRT on 6 February 2008, Claimant [REDACTED 3] stated that in 1944 her parents were deported to Auschwitz, where they both perished in 1945. Claimant [REDACTED 3] further stated that she, her sister (Claimant [REDACTED 4]), her brother [REDACTED], and her brother [REDACTED], who died in 2005, were the only survivors of the family.

Claimant [REDACTED 3] indicated that she was born in 1929. Claimant [REDACTED 4] indicated that she was born on 18 June 1927.

Claimant [REDACTED 5]

Claimant [REDACTED 5] submitted an IQ identifying the Account Owner as her father, Mordechai Weisz, who was born in approximately 1890 in Worms, Germany, and was married to [REDACTED]. Claimant [REDACTED 5] indicated that her father, who was Jewish, was a baker and that he resided in Worms. Claimant [REDACTED 5] further indicated that after Hitler came to power, her father and her family were expelled to Wadowice, Poland. Claimant [REDACTED 5] further indicated that her father died in 1935 in Wadowice.

Claimant [REDACTED 5] indicated that she was born on 25 September 1923.

Information Available in the Bank's Records

The Bank's records consist of a list of customers whose accounts were transferred to a suspense account and printouts from the Bank's database. According to these records, the Account Owner was Mordechas Weisz. The Bank's records do not indicate the Account Owner's domicile. The Bank's records indicate that the Account Owner held one account, the type of which is not indicated. The Bank's records further indicate that the account was transferred on 27 May 1983 to the Bank's suspense account, where it remains today. The amount in the account on the date of its transfer was 561.90 Swiss Francs ("SF").

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 seven claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2]'s brother's name, Claimant [REDACTED 3] and Claimant [REDACTED 4]'s father's name, and Claimant [REDACTED 5]'s father's name match the unpublished name of the Account Owner.⁵ The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3] and Claimant [REDACTED 4]'s relative, and Claimant [REDACTED 5]'s relative are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other equally plausible claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3], Claimant [REDACTED 4] and Claimant [REDACTED 5] have each plausibly identified the Account Owner.

⁵ The CRT notes that the Claimants indicated that Claimant [REDACTED 1] and Claimant [REDACTED 2]'s brother's first name, Claimant [REDACTED 3] and Claimant [REDACTED 4]'s father's first name, and Claimant [REDACTED 5]'s father's first name was Mordechai, whereas the Bank's records identify the Account Owner's first name as Mordechas. However, the CRT further finds that this discrepancy does not adversely affect the Claimants' identification of the Account Owner as it determines that it is plausible that "Mordechai" and "Mordechas" are variations of the same name.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants each stated that the Account Owner was Jewish. In addition, Claimant [REDACTED 1] and Claimant [REDACTED 2] indicated that their brother resided in Nazi-allied Romania and that he perished in Auschwitz. Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that their father resided in Nazi-allied Romania, and that he perished in Auschwitz in 1945. Claimant [REDACTED 5] indicated that her father resided in Nazi Germany and that he was expelled to Poland, where he subsequently died in 1935.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1] and Claimant [REDACTED 2]'s brother, Claimant [REDACTED 3] and Claimant [REDACTED 4]'s father, and Claimant [REDACTED 5]'s father.

The CRT further notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's records. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their IQs and Claim Forms.

The CRT notes that Claimant [REDACTED 3] and Claimant [REDACTED 4] indicated that they have another surviving relative, but that because he is not represented in Claimant [REDACTED 3] and Claimant [REDACTED 4]'s claims, the CRT will not treat his potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on 27 May 1983 to the Bank's suspense account, where it remains today.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly demonstrated that the Account Owner was their brother, Claimant [REDACTED 3] and Claimant [REDACTED 4] have plausibly demonstrated that the Account Owner was their father, and Claimant [REDACTED 5] has plausibly demonstrated that the Account Owner was her father, and those relationships justify 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

The Bank's records indicate that the Account Owner held one account of unknown type. The Bank's records further indicate that the value of the account as of 27 May 1983 was SF 561.90. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 605.00, which reflects standardized bank fees charged to the account between 1945 and 1983. Consequently, the adjusted balance of the account at issue is SF 1,166.90. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each of the three groups of Claimants has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, each group of Claimants is entitled to a one-third share of the Award amount.

With respect to Claimant [REDACTED 1] and Claimant [REDACTED 2]'s one-third share of the Award, according to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2], who are the Account Owner's sisters, are each entitled to one-sixth of the Award amount.

With respect to Claimant [REDACTED 3]'s and Claimant [REDACTED 4]'s one-third share of the Award, according to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 3] and Claimant [REDACTED 4], who are the Account Owner's daughters, are each entitled to one-sixth of the Award amount.

Claimant [REDACTED 5], who is the Account Owner's daughter, is entitled to one-third of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to

which they 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
16 October 2008