

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Arthur Reiss

Claim Number: 206164/RS

Award Amount: 53,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published accounts of Arthur Reiss (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

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 father, Arthur Reiss, who was born on 4 June 1893 in Bohemian (Böhmisch) Trübau, Czechoslovakia (today Česká Třebová, Czech Republic), and was married to [REDACTED], née [REDACTED], on 6 April 1919 in Vienna, Austria. The Claimant indicated that his parents had two children: the Claimant, who was born in Vienna in 1924, and a daughter, [REDACTED], who was born in Vienna in 1921. According to the Claimant, his father, who was Jewish, resided in Vienna until 1927, at which time he moved with his family to Timisoara, Romania. The Claimant indicated that his father served as factory manager of *KAWÉ Prima Fabrica Romana* in Timisoara, and that he took numerous business trips to Switzerland. The Claimant stated that his father purchased flight tickets to Shanghai, China for his two sisters [REDACTED] and [REDACTED], in an effort to save them from deportation to concentration camps. The Claimant indicated that his father fled on a boat from Constanta, Romania, to Palestine (today Israel) following the 1940 invasion by Nazi troops and the imposition of increasingly anti-Semitic laws in Romania. The

¹ 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”), the name Arthur Montagu Reis also appears. Upon careful review, the CRT has determined that Arthur Montagu Reis is not the same person addressed in the current decision, and consequently, that the Claimant did not identify this other account owner as his relative.

Claimant indicated that his father died of natural causes in Jerusalem, Israel, in 1945, and that his sister died on 22 May 1997, and is survived by one daughter, [REDACTED].

In support of his claim, the Claimant submitted copies of: (1) his birth certificate, indicating that [REDACTED] was born on 13 September 1924 in Vienna, and that his father was Arthur Reiss; (2) his father's birth certificate, indicating that Arthur Reiss was born on 4 June 1893 in Böhmisches Trübau; (3) his father's death certificate, indicating that Arthur Reiss died on 22 May 1945 in Jerusalem; (4) his father's certificate of right of residence ("*Heimatschein*") issued in Vienna in 1938, indicating that Arthur Reiss was a factory director, that he was married, and that he was born on 4 June 1893 in Böhmisches Trübau; and (5) his father's Austrian passport from 1934 which also served as a passport for his wife and two children, [REDACTED] and [REDACTED], indicating that Arthur Reiss was a factory director and resided in Temeswar (the German name for Timisoara).

The Claimant indicated that he was born on 13 September 1924 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of an account opening card. According to this record, the Account Owner was Arthur Reiss, who resided in Vienna, Austria and Timisoara, Romania.

The Bank's record indicates that the Account Owner held two demand deposit accounts. The Bank's record indicates that the first demand deposit account was opened on 31 May 1936 and closed on 10 August 1941, and that the second demand deposit account was a foreign currency account which was opened on 31 January 1936.

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 find the second 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 amount in the accounts on the date of their closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and first city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant also identified the Account Owner's second city of residence, Timisoara, Romania, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted documents, including his birth certificate, his father's birth certificate, his father's certificate of right of residence ("*Heimatschein*"), his father's passport, and his father's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner.

The CRT notes that the name Arthur Reiss appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). The CRT notes that there are no other claims to these accounts. 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 Target 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, and that he was forced to flee Nazi-allied Romania in 1940.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's birth certificate and his father's Austrian passport. The CRT notes that the Claimant indicated that he has a sister, but that because she is not represented in the Claimant's claim, the CRT will not treat her potential entitlement to the Account Owner's accounts in this decision.

The Issue of Who Received the Proceeds

Given that the Account Owner fled Nazi-allied Romania in 1940; that there is no record of the payment of the Account Owner's accounts to him nor any record of a date of closure of the second account; that the Account Owner and his heirs would not have been able to obtain information about his 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 (a), (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 or his 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 Owner was his father, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held two demand deposit accounts. 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 demand deposit account was 2,140.00 Swiss Francs (“SF”). Thus, the combined 1945 average value for the two accounts at issue is SF 4,280.00. 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 53,500.00.

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
12 October 2007