

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Heinrich Weiss and Salome Weiss

Claim Number: 400509/WT

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Heinrich Weiss (“Account Owner Heinrich Weiss”) and Salome Weiss (“Account Owner Salome Weiss”) (together the “Account Owners”) at the Basel branch of [REDACTED] (the “Bank”).^{1,2}

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 Owners as her paternal grandparents, Heinrich Weiss, who was born on 18 September 1887 in Tarnov (Tarnow), Poland, and Salome Lotty Weiss, née Weiss, who was born on 29 March 1895 in Tarnov, and who married on 2 July 1916 in Tarnov. The Claimant indicated that her grandfather, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED], who lived in Tarnov. The Claimant indicated that her grandfather lived in Vienna, Austria in 1917 and 1918, and from then until at least 1939 in Bucharest, Romania, where he worked as a jeweler. The Claimant indicated that her grandparents had two children, [REDACTED] and [REDACTED] (the Claimant’s father), who was born on 30 October 1917 in Vienna. The Claimant indicated that

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 Heinrich Weiss appears four times, and on the List of Account Owners Published in 2005 (the “2005 List”), the name Heinrich Weiss also appears. Upon careful review, the CRT has determined that the other individuals named Heinrich Weiss are not the same person addressed in the current decision and, consequently, the Claimant did not identify these other account owners as her relative.

² In a separate decision, the CRT treated the Claimant’s claim to the account of one of the other account owners who was named Heinrich Weiss. See *In re Account of Heinrich Weiss* (approved on 12 April 2007).

her grandparents and their two children fled Romania via France for the United States due to the rise of the pro-Nazi movement in Romania, and that they left all of their property behind.

In a telephone conversation with the CRT, the Claimant stated that her grandmother had recounted to her how the Claimant's grandfather used his skills as a jeweler to hide precious gems and metals inside of the handles of their luggage in order to get some of their valuables past the Romanian authorities. The Claimant also stated that her grandmother had said that the family left Romania sometime after the Romanian king had abdicated in late 1940. Finally, the Claimant stated that the family left France to sail to the United States on 28 December 1940, and they arrived in New York on 9 January 1941. The Claimant indicated that her grandfather died in 1957 and her grandmother died in 1975, both in Beverly Hills, California, and that her uncle and father have also passed away. According to a family tree provided by the Claimant, her father had three children (including the Claimant), and her uncle had one son.

The Claimant submitted copies of: (1) her grandfather's birth certificate, stamped 3 October 1938 in Bucharest, indicating that Heinrich Weiss was born on 18 September 1887 in Tarnow to [REDACTED] and [REDACTED], née [REDACTED]; (2) registration forms, indicating that Heinrich Weiss and Salome Weiss, both from Tarnow, registered with the Viennese authorities on 15 August 1917 and 1 January 1918; (3) her grandfather's naturalization certificate, indicating that Heinrich Weiss, a jeweler by profession who lived in Bucharest, was granted Romanian citizenship in 1938; (4) a certificate, issued on 20 May 1939, indicating that H. Weiss was the official jeweler for the king of Romania; (5) her grandfather's naturalization certificate and change of name certificate, indicating that Henry (formerly Heinrich) Weiss of Polish nationality was granted United States citizenship on 9 August 1946; (6) excerpts from the Birth Register of the Jewish Community of Vienna, including her father's birth certificate, indicating that [REDACTED] was born on 30 October 1917 in Vienna to Heinrich Weiss, a businessman from Tarnow, and Salomea Weiss; and (7) her own birth certificate, indicating that [REDACTED] was born in Santa Monica, California, the United States, on 14 March 1945 to [REDACTED] and [REDACTED], née [REDACTED].

The Claimant indicated that she was born on 14 March 1945 in Santa Monica.

Information Available in the Bank's Records

The Bank's records consist of correspondence, signature samples, and printouts from the Bank's database. According to these records, the Account Owners were Heinrich Weiss and Salome Weiss, who were married and resided at 100 Calea Victoriei in Bucharest, Romania. The Bank's records indicate that the Account Owners held an account, the type of which is not indicated, numbered 1592. The account was opened pursuant to a letter to the Bank dated 22 September 1936, in which Account Owner Heinrich Weiss instructed the Bank to open an account in Pound Sterling for himself and his wife, Account Owner Salome Weiss. Account Owner Heinrich Weiss instructed the Bank to forward all correspondence to *M. Hahn & Cie*, a firm located in Antwerp, Belgium, and further directed the Bank not to write to him at his Bucharest address. The Bank's records also include signature samples for Account Owner Heinrich Weiss, and a

letter of recommendation from *M. Hahn & Cie* to the Bank, indicating that Account Owner Heinrich Weiss was well known to them as both a customer and a friend.

The Bank's records indicate that the account was closed. The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandfather's name and city and country of residence match the published name and city and country of residence of Account Owner Heinrich Weiss. The Claimant's grandmother's name matches the published name of Account Owner Salome Weiss. The Claimant identified the Account Owners' spousal relationship, which matches unpublished information about the Account Owners. The Claimant also identified Account Owner Salome Weiss's city and country of residence, which match unpublished information about Account Owner Salome Weiss contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including her grandfather's birth certificate, registration forms from the city of Vienna, her grandfather's Romanian naturalization certificate; a certificate from the king of Romania, her grandfather's United States naturalization certificate, and her father's birth certificate. These documents provide independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the names and city of residence of the Account Owners.

The CRT notes that the other claims to this account were disconfirmed because that claimant did not identify Account Owner Salome Weiss and provided a different spouse's name than the spouse's name of Account Owner Heinrich Weiss. 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, and that he and his family were forced to flee Nazi-allied Romania, where Account Owner Heinrich Weiss was employed as the Royal Court jeweler, leaving all of their possessions behind. The Claimant further stated that the Account Owners fled through Nazi-occupied France in December 1940.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant's grandparents. These documents include her father's birth certificate, indicating that [REDACTED] was the son of Heinrich Weiss and Salomea Weiss, and her own birth certificate,

indicating that she was the daughter of [REDACTED]. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were 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 Owners, as she has asserted in her Claim Form. The CRT notes that the Claimant indicated that she has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owners' account in this decision.

The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that the account was closed on an unknown date. Given 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 fled their country of origin due to Nazi persecution, that they resided in Nazi-allied Romania until fleeing through Nazi-occupied France, 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 her grandparents, 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, numbered 1592. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

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 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
18 December 2007