

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Elisabeth Havas
acting on behalf of herself and Antoinette Weiss

in re Account of Geza Weisz

Claim Number: 214411/AA

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Elisabeth Havas (the “Claimant”) to the account of Geza Weisz (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form and an Initial Questionnaire identifying the Account Owner as her father, Geza Weisz, who was born on 14 November 1886 in Hagymadfalva, Hungary, and was married to Ionica Weisz in December 1914 in Nagyvarad, Hungary. According to the Claimant, Geza and Ionica Weisz had two children; the Claimant, who was born on 17 May 1918 in Oradea, Romania; and Etienne, who was born on 28 August 1916 in Nagyvarad and died on 11 January 1967 in France. The Claimant explained that her father was an optician and had offices in both Oradea and in Nagyvarad. The Claimant explained further that her father was deported to Auschwitz on 3 June 1944, and that the Nazis killed him soon thereafter. In support of her claim, the Claimant submitted her birth certificate and a detailed family tree showing exactly how she is related to the Account Owner.

Information Available in the Bank Records

The bank records consist of an audit report created by the firm investigating this account and letters written by Geza Weisz’s family regarding his account, dated 3 October 1946. According to these records, the sole Account Owner was Geza Weisz of Romania. The bank records do not indicate what type of account he held, but they indicate that the account was closed on 31 December 1940. 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") determined that this account was paid to the Nazis. The amount in the account on its date of closure is unknown.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner. In addition, the bank records contain correspondence to the Bank which name the Claimant as the Account Owner's daughter, and Janka Weisz as the Account Owner's wife, which matches unpublished information about the Account Owner contained in the bank records.

In addition, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Geza Weisz, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based her present claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as her relative's, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

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 and was persecuted by the Nazis while living in Romania during the Second World War. Specifically, the Nazis deported the Account Owner to Auschwitz and killed him there in 1944. Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Geza Weisz and indicates that his city and country of residence was Oradea, Romania, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her birth certificate, which names the Account Owner as her father. Additionally, correspondence in the bank records indicate that Geza Weiss is the Claimant's father.

The Issue of Who Received the Proceeds

In this case, the auditors determined that the account was paid to the Nazis. Therefore, it is clear that the Account Owner or his heirs did not receive the proceeds of the account.

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 23 of the Rules Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

Pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an unknown type of account was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Articles 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the Claimant shall be 35% of the Certified Award, and the Claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 16,590.00 Swiss Francs.

Division of the Award

The Claimant is representing her sister-in-law, Antoinette Weisz, who is the wife of the Claimant’s late brother in these proceedings. According to Article 29 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 to the account. Thus, the Claimant is entitled to 100% of the award.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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