

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED]

**in re Accounts of Mozes Fleischmann, Mirjam Fleischmann,  
Olga Fleischmann and Juliska Veber**

Claim Numbers: 002109/AX; 002110/AX; 002111/AX<sup>11</sup>

This Certified Denial is based upon the claims of [REDACTED] (the “Claimant”) to the unpublished accounts of Mozes Fleischmann (“Account Owner Mozes Fleischmann”), Mirjam Fleischmann (“Account Owner Mirjam Fleischmann”), Olga Fleischmann (“Account Owner Olga Fleischmann”), and Juliska Veber (“Account Owner Julia Veber”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).

All denials 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 owners, and the bank have been redacted.

### **Information Provided by the Claimant**

The Claimant submitted Claim Forms identifying Account Owner Mozes Fleischmann as his father, who was born on 24 August 1895 in Budapest, Hungary, and Account Owner Mirjam Fleischmann as his mother, Mirjam Fleischmann, née Veber (Weber), who was born on 15 May 1899 in Zalaegerszeg, Hungary. The Claimant stated that his parents, who were Jewish, resided at Pazsit, Lotz Karoly, Budapest from 1934 to 1939, and then at Pozsonyi ut 44-46 in Budapest from 1939 to 1944. The Claimant indicated that his father was one of the most important businessmen in the Hungarian wine industry, and that he owned several vineyards, wine cellars, and a distribution company. The Claimant stated that in 1944, the family was moved into the *International Ghetto*, a group of 30 buildings rented in Budapest by Raoul Wallenberg, a Swedish diplomat residing in Hungary, to protect the Hungarian Jews from being persecuted by the Nazis. According to the Claimant, although the entire family obtained special passes, known

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<sup>1</sup> According to Article 37 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 three claims of the Claimant in one proceeding.

as *Schutz Pässe*, designed to protect them,<sup>2</sup> his parents were captured by a Hungarian fascist squad and were killed in Budapest in November 1944.

The Claimant identified Account Owner Olga Fleischmann as his paternal aunt, who was born in Vienna, Austria in 1888. The Claimant indicated that Olga Fleischmann, who was Jewish, was sent to a transit camp in Kistarcsa, Hungary, and was subsequently deported to Auschwitz, where she perished. The Claimant identified Account Owner Juliska Veber as his maternal aunt, who was born in 1903 in Zalaegerszeg, Hungary. The Claimant indicated that Juliska Veber, who was Jewish, was also deported to Auschwitz, where she perished.

In support of his claim, the Claimant submitted a photocopy of a note his father gave to him in 1944, in which his father stated the name of the Bank, and identified three accounts: one owned by “mother and father (Mozes and Mirjam);” one account owned by “father and Aunt Olga;” and one account owned by “mother and Aunt Juliska.” The note indicates that the amounts in the accounts were 965,000.00 United States Dollars, 985,000.00 United States Dollars, and 890,000.00 United States Dollars, respectively. The following dates are indicated after each account: 1938, 1940, and 1940 respectively. The final line of the note states: “*One day all this will be yours! Daddy*” (translation from Hungarian). According to the Claimant, the years on the note refer to the opening dates of the accounts. The Claimant stated that he attempted but failed to retrieve the proceeds of these accounts on two occasions, in 1955 and 1977. On both occasions, the Bank refused to give him any information regarding the existence of the accounts because the Claimant did not possess the account numbers.

The Claimant previously submitted two Initial Questionnaires with the Court in 1999, asserting his entitlement to Swiss bank accounts owned by his father, Mozes Fleischmann; his mother, Mirjam Fleischmann, née Veber; his paternal aunt, Olga Fleischmann; and his maternal aunt, Juliska Veber.

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

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 any accounts belonging to [REDACTED], Mirjam Fleischmann, Olga Fleischmann, or Juliska Veber.

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<sup>2</sup> Such *Schutz Pässe* were issued by Raoul Wallenberg. The holders of a *Schutz Pass* were considered to be under the protection of the Swedish Royal Legation. The CRT notes Sweden was not the only country to issue such *Schutz Pässe*. Switzerland also issued such passes, bearing the official stamp of the Swiss Legation and stating that the person possessing the pass had a valid passport and was part of a Swiss emigration collective. It did not grant its holder permission to enter Switzerland. It provided targets of Nazi persecution in Hungary a degree of protection from Hungarian government authorities who were allied with Nazi Germany. The Swiss Legation in Budapest issued several thousand *Schutz Pässe* to individuals between 1942 and 1945.

## **The CRT's Analysis**

### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Basis for the Denial

The CRT notes that the Claimant provided the documentation about the existence of the accounts owned by his relatives. Without addressing the authenticity of the copy of the note provided by the Claimant, the CRT has determined that the evidence submitted by the Claimant is insufficient to justify an award. According to Article 17 of the Rules, the CRT shall use the records and files available from the Account History Database, the Account Dossiers, and the Total Accounts Database, the information submitted by the Claimants, and to the extent that the CRT deems relevant, other sources of information to determine whether an award is justified. While the CRT has previously awarded accounts to Claimants when the ICEP Investigation failed to locate an account belonging to their relative (an account not included in the Account History Database, the Account Dossiers, and the Total Accounts Database), the evidence submitted by these Claimants falls into very limited categories. Article 17 of the Rules lists certain categories of evidence that the CRT has used to justify an award when an account is not identified in the ICEP Investigation. These categories include Austrian State Archives Records and other government records, records of the New York State Holocaust Claims Processing Office, and any other historical and factual material available to the CRT. Examples of facially reliable evidence submitted by Claimants include actual bank documents, documents submitted to an official governmental agency, and official letterhead indicating a connection to a Swiss bank. While the CRT bears in mind the difficulties of providing a claim after the destruction of the Second World War, it has determined in this case, because the note provided by the Claimant does not fall into any of the categories discussed above, nor does it indicate an official connection to the Bank, it is insufficient to support the existence of a bank account. Accordingly, the CRT is unable to make an award to the Claimant based upon this evidence.

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

**Scope of the Denial**

The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

**Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
30 December 2004