

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Hugo Weiss and Salomon Bieber

Claim Number: 224343/AC

Award Amount: 265,650.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Dezsö Weisz.¹ This Award is to the published accounts of Hugo Weiss (“Account Owner Weiss) and Salomon Bieber (“Account Owner Bieber”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).^{2,3}

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 paternal uncle, Hugo Weisz (Weiss), who was the child of [REDACTED] and [REDACTED]. In his claim, the Claimant indicated that his father, [REDACTED], was born on 10 May 1901 in Mossonek (now Mosonmagyaróvár), Hungary and resided in Vienna, Austria. The Claimant indicated that his family, which was Jewish, fled to Italy in 1943 and that in January 1944 his parents and sister were captured and deported to Auschwitz, where they perished.

In a telephone call with the CRT, the Claimant indicated that his uncle Hugo, who was Jewish, resided in Vienna before the Second World War and that he fled following the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”). The Claimant further indicated that his

¹ In a separate decision, the CRT treated the Claimant’s claim to the account of Dezsö Weisz. See *In re Account of Dezsö Weisz* (approved on 29 December 2005).

² 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 Salomon Bieber is not published in connection with these accounts. Upon careful review, the CRT has concluded that the Bank’s records indicate that the Account Owners jointly held the accounts at issue.

³ The CRT notes that on the ICEP List, the name Hugo Weiss appears three times. Upon careful review, the CRT has determined that the neither of the other individuals identified as Hugo Weiss is the same person addressed in the current decision and, consequently, the Claimant did not identify either of these other account owners as his relative.

uncle settled in Limoges, France and that he fought with the French Foreign Legion in Morocco both during and after the War. According to the Claimant, his uncle was approximately fifty years of age during the early 1950s; the Claimant further indicated that his uncle was married after the War, but that he does not remember his spouse's name. Finally, the Claimant indicated that he lost contact with his uncle during the 1950s and that he does not have any other information about him or his family.

The Claimant submitted copies of documents in support of his claim, including: 1) his father's death declaration, dated 1954, indicating that [REDACTED] was born on 10 May 1901 in Mocsonek (Mocenu) to [REDACTED] and [REDACTED], that he resided in Vienna, that he was deported in 1941 to Poland, where he perished, and that he had a brother named Hugo Weisz, who resided in Limoges; 2) his own passport and papers, dated 1954, indicating that [REDACTED] was born on 7 September 1930 in Vienna, that he resided in Vienna, and that he had previously resided in Tel Aviv, Israel; 3) excerpts from a memorial book of Jews deported from Italy from 1943 to 1945, indicating that [REDACTED], who was born in 1901 in Mossonek, was arrested in Livorno Ferraris, Italy in October 1943, was detained in a prison in Milan, Italy, and was deported to Auschwitz on 20 January 1944 along with his spouse and daughter (who was born in 1927 in Vienna).

The Claimant indicated that he was born on 7 September 1930 in Vienna.

Information Available in the Bank's Records

The Bank's record consists of a customer card. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a custody account identification card and securities valuation cards. According to these records, the Account Owners were Hugo Weiss and Salomon Bieber, who resided in Vienna, Austria. The Bank's record indicates that the Account Owners held a demand deposit account, opened on 30 June 1931, and a custody account, numbered L44276, opened on 31 July 1931. The Bank's record indicates that the demand deposit account was closed on 20 April 1938 and that the custody account was closed on 23 April 1938.

These records indicate that the custody account contained the following securities as of 19 April 1938:

- *6% Ungarische Staatsanleihe von 1925* bonds with a nominal value of 100,000.00 French Francs ("FF");
- *6% Ungarische Staatskassenscheine von 1929* bonds with a nominal value of 170,000.00 Swiss Francs ("SF"); and
- *5% Société Continentale de Gestion S.A., Monaco* bonds, 20 pieces, with an original (*ursprünglich*) value of 500.00 United States Dollars ("US \$") each, for a total of US \$10,000.00.

The amount in the demand deposit account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant's uncle's name and country of residence match the published name and country of residence of Account Owner Weiss. The Claimant identified Account Owner Weiss' city of residence, which matches unpublished information about Account Owner Weiss contained in the Bank's records.

In support of his claim, the Claimant submitted documents, including his father's death declaration, providing independent verification that the person who is claimed to be Account Owner Weiss had the same name recorded in the Bank's records as the name of Account Owner Weiss and that he had a relative residing in Account Owner Weiss' city and country of residence.

The CRT notes that the Claimant did not identify Account Owner Bieber. However, the CRT notes that the Claimant was a child during the Second World War and that there is no indication in the Bank's record that the Account Owners were related, and therefore determines that it is plausible that the Claimant would not know the names of all of his relative's acquaintances and business associates, and that the Claimant's failure to identify Account Owner Bieber does not adversely affect the plausibility of his identification of Account Owner Weiss.

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 Account Owner Weiss.

Status of Account Owner Weiss as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Weiss was a Victim of Nazi Persecution. The Claimant stated that Account Owner Weiss was Jewish, that he resided in Nazi-controlled Austria, and that he fled to France after the *Anschluss*. The Claimant further stated that Account Owner Weiss's family members - including his brother, sister-in-law, and niece (the Claimant's parents and sister) - perished in concentration camps. The Claimant also submitted his father's death declaration and excerpts from a published memorial book, indicating that these relatives were Jewish and that they were deported to Auschwitz in January 1944. The CRT notes that persons corresponding to these family members were included in the CRT's database of Victims of Nazi Persecution.⁴ The database is a compilation of names from various sources including the Yad Vashem Memorial of Israel.

⁴ The CRT notes that the database indicates that the Claimant's relatives used the name spellings Weisz and Weiss.

The Claimant's Relationship to Account Owner Weiss

The Claimant has plausibly demonstrated that he is related to Account Owner Weiss by submitting specific biographical information, demonstrating that Account Owner Weiss was the Claimant's paternal uncle. The CRT further notes that the Claimant submitted a copy of his father's death declaration, indicating that [REDACTED] had a brother named Hugo Weiss. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted copies of his own passport and papers, which provide independent verification that the Claimant's and his relatives bear substantially the same family name as Account Owner Weiss and that they resided in Vienna. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Weiss was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Weiss, as he has asserted in his Claim Form. There is no information indicating that Account Owner Weiss has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were closed on 20 and 23 April 1938, respectively.

Given that the Account Owners resided in Nazi-controlled Austria; that the accounts were closed shortly after the *Anschluss*; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their 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 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 Account Owner Weiss was his uncle, and that relationship justifies 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 accounts.

Amount of the Award

In this case, the Account Owners held one demand deposit account and one custody account.

The Bank's records indicate that the custody account held the following securities as of 19 April 1938:

- 6% *Ungarische Staatsanleihe von 1925* bonds with a nominal value of FF 100,000.00, which at the time was equivalent to SF 12,600.00.⁵ The CRT notes that these bonds were in default, and traded in 1938 at 5½ percent of their nominal value; thus the market value of these bonds was SF 693.00.⁶
- 6% *Ungarische Staatskassenscheine von 1929* bonds with a nominal value of SF 170,000.00. The CRT notes that these bonds were in default and traded at the end of 1937 at 7.75 percent of their nominal value; thus the market value of these bonds was SF 13,175.00.⁷
- 5% *Société Continentale de Gestion S.A., Monaco* bonds with a nominal value of US \$10,000.00, which at the time was equivalent to SF 43,700.00. The CRT notes that these bonds were in default and traded in 1938 at 12 percent of their nominal value; thus the market value of these bonds was SF 5,244.00.⁸

Consequently, the combined value of the securities in the custody account was SF 19,112.00.

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 demand deposit account was SF 2,140.00.

Thus, the combined 1945 value for the two accounts at issue is SF 21,252.00. 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 265,650.00.

Division of the Award

According to Article 25(2) of the Rules, in cases where a joint account is claimed by relatives of only one or some of the joint account owners, it shall be presumed that the account was owned as a whole in equal shares by the account owners whose shares of the account have been claimed. In this case, only Account Owner Weiss’ share of the account has been claimed, and no relatives

⁵ The CRT uses official exchange rates when making currency conversions.

⁶ Moody’s Manual of Investments, *American and Foreign: Government Securities*, Moody’s Investors Service, New York 1940, p. 1872; Compass, *Finanzielles Jahrbuch, 1940: Ungarn*, Compass Verlag, Vienna, 73rd ed., 1940, p. 92-93.

⁷ Moody’s Manual of Investments, *American and Foreign: Government Securities*, Moody’s Investors Service, New York 1940, p. 1872; Compass, *Finanzielles Jahrbuch, 1940: Ungarn*, Compass Verlag, Vienna, 73rd ed., 1940, p. 98-99.

⁸ Compass, *Finanzielles Jahrbuch 1938, Österreich*, Compass Verlag, Vienna, 71st ed., 1938, p. 406-407; Compass, *Finanzielles Jahrbuch 1939, Deutsches Reich: Land Österreich*, Compass Verlag, Vienna, 73rd ed., 1939, p. 343 - 346; Compass, *Finanzielles Jahrbuch 1940, Deutsches Reich: Land Österreich*; Compass Verlag, Vienna, 73rd ed., 1940, p. 1079-81; Market price, Austria State Archive, (Archive of the Republic, Finance), file No. 40888, certified by Frid & Thiemann.

have claimed Account Owner Bieber's share of the accounts. Consequently, the Claimant is entitled to the entire award amount.

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
21 December 2007