

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **In re Account of Dimitri Alimanestianu**

Claim Number: 219521/AA

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Dimitri Alimanestianu (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

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 and Initial Questionnaire identifying the Account Owner as his adoptive father, Dimitri Alimanestianu, who was born in approximately 1900 in Romania and was a successful businessman there until 1933. The Claimant stated that he is the adopted son of the Account Owner and that he was born on 8 October 1934 in Vulturesti, Romania. According to the Claimant, his biological father, [REDACTED], and Dimitri Alimanestianu, made arrangements for Dimitri Alimanestianu to adopt [REDACTED] and to help him receive an education. The Claimant explained further that Dimitri Alimanestianu likely opened an account on behalf of the Claimant’s biological father in an effort to facilitate the Claimant’s adoption and to provide for his future expenses. The Claimant stated that by 1935 the Romanian Iron Guard, the Romanian fascist organization, targeted Dimitri Alimanestianu because he was a homosexual. Specifically, they threatened his life and forced him into hiding. Finally, according to the Claimant, the Iron Guard captured Dimitri Alimanestianu in approximately 1939 and sent him to a forced labor camp, where he subsequently perished. In support of his claim, the Claimant submitted unpublished bank information regarding his adoptive father’s connection to a bank in Geneva.

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

The records of the Geneva branch of the Bank consist of a bank ledger listing accounts that were transferred to suspense accounts. According to these records, the sole Account Owner was Dimitri Alimanestianu. The bank records indicate that the Account Owner held a demand deposit account, which had a value of 17.00 Swiss Francs on 12 December 1950 when it was transferred to a collective account, which is an account to which groups of open and dormant accounts were transferred. This account remains open and dormant.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His adoptive father's name matches the published name of the Account Owner. In addition, the Claimant has submitted information indicating that his adoptive father deposited money in a bank account in Geneva, which matches unpublished information about the Account Owner contained in the bank documents.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his adoptive father, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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 homosexual and was the target of Nazi persecution while living in Romania during the War. Specifically, his adoptive father was deported to a forced labor camp in approximately 1939 and subsequently perished.

#### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner. As well as providing general historical family information, and specific information about the Account Owner. He also provided a detailed family tree illustrating exactly how he is related to the Account Owner. There is no information before the CRT to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The bank records indicate that, on 12 December 1950, the Bank transferred the account at issue to a collective account, which is a grouping of open and dormant and accounts, and this account remains open and dormant.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claimed account belonged to a Victim of Nazi Persecution. Second, the Claimant has plausibly demonstrated that the Account Owner was his adoptive father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

The bank records indicate that the value of the demand deposit account as of 12 December 1950 was 17.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 240.00 Swiss Francs, which reflects standardized bank fees charged to the demand deposit account between 1945 and 12 December 1950. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 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 8,988.00 Swiss Francs.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Account 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