

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation

Case No. CV96-4849

## **Certified Award**

to Claimant [REDACTED]  
represented by [REDACTED]

**in re Account of Sarica Maurico Arditti**

Claim Number: 500600/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Sarica Maurico Arditti (the “Account Owner”) at the Lausanne 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 identifying the Account Owner as her mother, Sarica Arditti, née Finkels, who was born on 25 August 1890 in Craiova, Romania, and was married to [REDACTED] on 28 May 1911 in Vienna, Austria. The Claimant stated that her parents had six children: [REDACTED], née [REDACTED], [REDACTED], [REDACTED], [REDACTED], née [REDACTED], [REDACTED], and the Claimant herself. The Claimant indicated that [REDACTED] and [REDACTED] were born in Lausanne, Switzerland. The Claimant stated that her parents, who were Jewish, resided at str. Romana in Bucharest, Romania, from 1922 until 1940, when they left for Bombay (now Mumbai), India. The Claimant indicated that in 1951 her parents moved to Manchester, the United Kingdom, where her father died on 16 October 1966 and where her mother died on 22 April 1983. In addition, the Claimant stated that her brother, [REDACTED], died on 20 June 1988 in Toronto, Canada. The Claimant submitted her birth certificate, indicating her parents were [REDACTED] and Sarica Arditti; her marriage certificate, indicating her father was [REDACTED]; and her mother’s death certificate indicating Sarica Arditti was the widow of [REDACTED].

The Claimant indicated that she was born on 27 July 1923 in Sinaia, Romania.

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

The Bank's records consist of an account statement and extracts from the Bank's ledger. According to these records, the Account Owner was Sarica Maurico Arditti, whose address was not known to the Bank. The Bank's records indicate that the Account Owner held a demand deposit account and that the amount in the account in 1928 was 306.50 Swiss Francs ("SF"). The Bank's records further indicate that the balance of the account as of 27 November 1946 was SF 304.00 and that annual fees of SF 2.50 were charged to the account between 1946 and 1955, such that by 3 November 1953, the balance had been reduced to SF 286.50. According to the Bank's records, the account was transferred to a suspense account for dormant assets no later than December 1951.

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 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 this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or the Account Owner's heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner. The Claimant's father's name is substantially similar to the Account Owner's published middle name.<sup>1</sup> The Claimant indicated that two of her brothers were born in Lausanne, Switzerland, which matches unpublished information about the location of the branch of the Bank at which the account was held.

The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

In support of her claim, the Claimant submitted documents, including her birth certificate, indicating her parents were [REDACTED] and Sarica Arditti; her marriage certificate, indicating her father was [REDACTED]; and her mother's death certificate indicating Sarica Arditti was the widow of [REDACTED], providing independent verification that the person who is claimed to be the Account Owner and her husband had the same names recorded in the Bank's records as the name of the Account Owner.

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<sup>1</sup> The CRT notes that the Account Owner's name appears to be a composite of two names, Sarica and Maurico, which are female and male names, respectively.

The CRT notes that the name Sarica Maurico Arditti appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the “ICEP List”). The CRT notes that there are no other claims to this account. Taking all these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

#### 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 fled Romania, fearing Nazi persecution, for India in 1940. The CRT notes that the Claimant was not able to confirm whether his relatives fled Romania after 20 November 1940, when Romania allied itself to the Axis, but finds it plausible that the Claimant’s relatives fled after that date.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s mother. These documents include the Claimant’s birth certificate, indicating her parents were [REDACTED] and Sarica Arditti. The CRT notes that the Claimant is not representing her four surviving siblings.

#### The Issue of Who Received the Proceeds

Given that the Account Owner and her family fled Romania in 1940; that there is no record of the payment of the Account Owner’s account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about her 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 Owner or her 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 Owner was her mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the balance of the demand deposit account as of 27 November 1946 was SF 304.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 30.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1946. Consequently, the adjusted balance of the account at issue is SF 334.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

### **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  
14 December 2005