

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of D. Baiatu**

Claim Number: 215566/SJ<sup>1, 2</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Mesilim Smilihil Baiatu.<sup>3</sup> This Award is to the published account of D. Baiatu (the “Account Owner”) at the Zurich 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 paternal great-grandfather, David Baiatu (Baiat, Baet, Baetu) of Romania, who was married to [REDACTED]. The Claimant indicated that David and [REDACTED] Baiatu, who were Jewish, had ten children, including her grandfather, [REDACTED]. The Claimant further indicated that her father, [REDACTED], who was Jewish and was born in Focsani, Romania in 1894, was a successful businessman who owned a leather import business in Tecuci, Romania and Botosani, Romania. According to the Claimant, her father traveled often to Switzerland and Germany on business. The Claimant indicated that, in 1941, her parents attempted to smuggle her to Palestine, and told her that the family had money in Switzerland. The Claimant also indicated that the German army confiscated her parents’ home in 1942 and that her father was arrested and tortured by the Gestapo. In 1944, according to the Claimant, the retreating German army looted

---

<sup>1</sup> The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 215566 and 215592. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 215566.

<sup>2</sup> The Claimant submitted an additional claim, numbered B-00272, on 3 November 1997, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601208. The CRT has treated the claim to this account in a separate determination.

<sup>3</sup> As noted above, the CRT has treated the claim to this account in a separate determination.

her family's home, destroying part of it, which further contributed to her father's emotional anguish that eventually led to his death in a mental institution in 1969.

The Claimant submitted numerous documents in support of her claim, including: (1) a copy of her father's birth certificate, indicating that [REDACTED] was the son of [REDACTED], and that he was born in Focsani; (2) a copy of her parents' marriage certificate, indicating that [REDACTED] and [REDACTED] were married in Focsani, that they were Jewish, and that [REDACTED] was the son of [REDACTED]; (3) a copy of her father's death certificate, indicating that [REDACTED], who was the son of [REDACTED] and [REDACTED], died in Domnesti, Romania; and (4) a copy of her own birth certificate, indicating that her parents were [REDACTED] and [REDACTED], and that she was born in Tecuci.

The Claimant indicated that she was born on 15 April 1926 in Tecuci.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, an ATAG Ernst & Young claim form in 1998 and an HCPO claim form in 1997, asserting her entitlement to a Swiss bank account owned by Mesilim Smilihil Baiatu.

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

The Bank's records consist of excerpts from the Bank's ledgers, account statements, and a letter from the Bank to the Account Owner, dated 29 November 1984, informing him that his account had been closed. According to these records, the Account Owner was *Herr* or *Monsieur* (Mr.) D. Baiatu, an engineer who resided in Romania. The Bank's records indicate that the Account Owner held a demand deposit account. Furthermore, the Bank's records indicate that the account number was 225.476.00 and that, as of 31 December 1948, it had a balance of 361.00 Swiss Francs ("SF"). Records dated between 1964 and 1981 indicate that the balance of the account gradually declined due to Bank fees, and that the account had a negative balance of SF 20.50 as of 20 November 1984. Finally, the Bank's records indicate that the account was closed to fees on 27 November 1984.

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

#### Identification of the Account Owner

The Claimant's great-grandfather's first initial, last name, and country of residence match the published first initial, last name, and country of residence of the Account Owner. The CRT notes that the name D. Baiatu appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, an ATAG Ernst & Young claim form in 1998, and an HCPO claim form in 1997, asserting her entitlement to a Swiss bank account owned by her 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 her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same last name as her relative, but rather that the Claimant had reason to believe that her relatives owned one or more Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

#### Status of the Account Owner as a Target of Nazi Persecution

The CRT notes that while the Claimant did not indicate that the Account Owner was a Victim of Nazi Persecution, the Account Owner’s grandson was a Victim of Nazi Persecution. The Claimant stated that the Account Owner and his family were Jewish, and that Account Owner’s grandson’s house was confiscated, and his grandson was arrested by the Gestapo.

#### 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 demonstrating that the Account Owner was the Claimant’s great-grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted a copy of her father’s birth, marriage and death certificates, each of which provides independent verification that the Claimant’s relatives bore the same family name as the Account Owner and that they resided in Romania. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

#### The Issue of Who Received the Proceeds

The Bank’s records indicate that the account was closed to fees.

#### 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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her great-grandfather, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his 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 value of the demand deposit account as of 31 December 1948 was SF 361.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 421.00. 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  
23 February 2006