

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Maurice Béraha

Claim Number: 710527/RS¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the published account of Maurice Béraha (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).²

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 an Initial Questionnaire identifying the Account Owner as her late husband, Maurice Beracha,³ who was born in Thessaloniki, Greece. The Claimant indicated that her husband, who was Jewish, was a member of a wealthy Greek family that sent him to an expensive French-speaking school in Thessaloniki during the summers when he was a child. The Claimant stated that her husband was greatly influenced by his French-language education, and that he pronounced his given name, Maurice, as it would be pronounced in the French language. The Claimant stated that her husband often spoke about a Swiss bank account that he held.

¹ Claimant [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GRE 0001 097, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 710527.

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 of the Account Owner was published as Maurice Beraha. Upon careful review, the CRT has concluded that the Bank’s records indicate that the name of the Account Owner was written Maurice Béraha.

³ The CRT notes that the Claimant submitted an IQ in Greek, and that in this Award, the names listed in the IQ have been transliterated from Greek into English.

The Claimant stated that shortly after the Nazis invaded Thessaloniki, Maurice Beracha was forced by the Nazis to spend six months in Thebes breaking rocks. According to the Claimant, her husband was permitted to return to Thessaloniki, but was deported to Auschwitz in March 1943. The Claimant indicated that Maurice Beracha was detained in Auschwitz for two years, and that during that time, he was forced to perform slave labor. The Claimant stated that her husband survived Auschwitz and that they married after the Second World War. The Claimant indicated that Maurice Beracha died on 6 July 1967 in Athens.

Information Available in the Bank's Records

The Bank's records consist of three extracts from lists of account owners whose accounts the Bank had transferred to a pooled account containing accounts belonging to account owners that the Bank considered to have 'disappeared.'

According to these records, the Account Owner was Maurice Beraha (*sic*), whose stated domicile was Athens, Greece. The Bank's records indicate that the Account Owner held a demand deposit account, and that the Bank had not received any correspondence from the Account Owner since 1936. The Bank's records also indicate that on 31 December 1953, the balance of the account was 51.00 Swiss Francs ("SF"), and that on 9 November 1973, the balance of the account was SF 28.50.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with the following additional documents:

- (1) a printout from the Bank's database of accounts;
- (2) a letter, dated 1 October 1936, sent by the Bank to *Monsieur* (Mr.) Maurice Béraha, care of, or at the home of, (*chez*) Henri Arones of 11 Rue Anthimou Gazi, Athens, advising the recipient that because of a new Swiss National Bank discount rate, the interest rate payable to his account would be reduced by one-half of one percent;
- (3) an unsigned form addressed to Mr. Maurice Béraha, at the home of Henri Arones of 11 Rue Anthimou Gazi, Athens, indicating that the balance of his demand deposit account as of 31 December 1936 was SF 83.10, and providing space for him to sign a request that the balance of the account be turned over into a new account;
- (4) a balance sheet for the account of Mr. Maurice Béraha, indicating that as of 10 June 1936, the balance of his account was SF 84.40; and that on 7 December 1937, SF 1.30 in fees was assessed to the account, leaving a balance as of that date of SF 83.10;

- (5) a handwritten note dated 28 July 1949 indicating that the unnamed account owner was from Greece; that he had not signed a letter of discharge or receipt (*lettre de décharge*); that there had been no news from the account owner since 1936; that the Bank was not sending correspondence to Greece because of the current situation in that country; and that the Bank had transferred the account to a pooled account containing accounts belonging to ‘disappeared’ account owners; and
- (6) a debit notice dated 7 May 1954, and addressed to Mr. Maurice Beraha, indicating that SF 2.60 in fees had been charged twice annually to the account for the period 1949 to 1953.

The account remains open and dormant.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s late husband’s name and country of residence match the published name and country of residence of the Account Owner.

The CRT notes that the name Maurice Beraha appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Maurice Beracha, prior to the publication of 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 name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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.

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 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 that the Account Owner was first forced to perform slave labor for six months in Greece in 1943, and that he was then deported to Auschwitz.

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 late husband. 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. 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 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 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 late husband, and that relationship justifies an Award.

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 1936 was SF 83.10. 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. Consequently, the total award amount in this case is 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
15 November 2007