

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Liliya Volodymyrivna Rudyk
represented by Jonathan James Palmer

in re Account of Marcelli Buber

Claim Number: 402151/GO

Award Amount: 79,976.88 Swiss Francs

This Certified Award is based upon the claim of Liliya Volodymyrivna Rudyk, née Wolman, (the “Claimant”) to the published account of Marcelli Buber (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal great-grandmother’s brother, Marcelli Karol Buber, who was born on 23 July 1881 in Lviv, Poland (today Ukraine), to Jozef Hirsz Buber and Sara Zofia Buber, née Rubinstein. In a telephone conversation with the CRT on 15 May 2007, the Claimant stated that her relative, who was Jewish, resided in Lviv, that he was not heard from again after the Second World War, and that his whereabouts are unknown.

In support of her claim, the Claimant submitted copies of documents, including: (1) a marriage certificate, issued by the Jewish Community (*Gmina Wyznania Mojzeszowego*) in Lviv, indicating that Jozef Hirsz Buber and Sara Zofia Rubinstein were married on 15 December 1878 in Lviv; (2) a birth certificate, issued by the Jewish Community in Lviv, indicating that Marcelli Karol Buber was born to Jozef Hirsz Buber and Sara Zofia Buber on 23 July 1881 in Lviv; (3) a marriage certificate, issued by the Jewish Community in Lviv, indicating that Susanna Gabriele Buber, who was the daughter of Jozef Hirsz Buber and Zofia Buber, married Selig Leib Wohlmann on 31 January 1892; (4) a birth certificate, issued by the Jewish Community in Lviv, indicating that Marya Wohlmann was born on 24 June 1893 to Zygmunt (Selig) Wohlmann and Zusanna Gabryela Wohlmann; (5) a marriage certificate, issued by a Registry Office of Ivano-Frankivsk, Ukraine, indicating that Mykola Wolman was the son of Marya Wolman, and that he married Anna Maslianchuk on 7 June 1928; (6) a birth certificate, issued by a Registry Office of Ivano-Frankivsk indicating that Volodymyr Myroslav Wolman was born on 25 March 1936 to

Mykola Wolman and Anna Wolman; (7) a death certificate, issued by a Registry Office of Ivano-Frankivsk, indicating that Mykola Wolman died on 26 June 1985; (8) a death certificate, issued by a Registry Office of Ivano-Frankivsk, indicating that Volodymyr Wolman died on 30 July 2002; and (9) the Claimant's own marriage certificate indicating that Liliya Volodymyrivna Wolman, who was the daughter of Volodymyr Wolman, married Bondan Rudyk in 1985.

The Claimant indicated that she was born in 1961.

Information Available in the Bank's Records

The CRT notes that 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 report an account belonging to Marcell Buber during their investigation of the Bank. The documents evidencing account belonging to Marcell Buber were obtained from the Swiss Federal Archive in Bern, Switzerland, and from the Press Office of the Polish Ministry of finance, and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Marcell Buber, numbered 33. According to these records, the Account Owner was Dr. Marcell Buber, who resided at Rue Sixtus 16 in Lviv, Poland.

In addition, these records indicate that Marcell Buber held a demand deposit account, and that as of 28 February 1964, the amount in the demand deposit account was 6,098.15 Swiss Francs ("SF"). These records further indicate that the Bank applied to the relevant custodial authority (*Chambre des Tutelles*) to appoint a custodian for that account, and that such custodian was appointed in 1966. The records do not contain information about the disposition of this account. There is no evidence in these records that Marcell Buber or his heirs closed the account and received the proceeds themselves.

Information Published by the Press Office of the Polish Ministry of Finance

In the publication entitled *Nasze finanse*, published by the Press Office of the Polish Ministry of Finance, number 25, dated February 1998, there is information concerning the assets of Dr. Marcell Buber, who resided at Rue Sixtus 16 in Lviv, Poland.

According to these records, Marcelli Buber held a demand deposit account. These records further indicate that the account had a balance of SF 5,865.00 on 15 August 1975, when it was transferred to the Polish National Bank.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's relative's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the records of the Swiss Federal Archive and Polish Ministry of Finance.

In support of her claim, the Claimant submitted copies of documents, including a copy of a birth certificate issued by the Jewish Community in Lviv, Poland, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the records of the Swiss Federal Archive and Polish Ministry of Finance as the name and city of residence of the Account Owner.

The CRT notes that the name Marcelli Buber appears only once on the List of Account Owners Published in 2005 (the "2005 List"). The CRT further notes that there are no other claims to this account.

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 he was not heard from again after the Second World War.

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 relative. These documents include copies of: (1) a marriage certificate, issued by the Jewish Community in Lviv, indicating that Jozef Hirsz Buber and Sara Zofia Rubinstein got married on 15 December 1878 in Lviv; (2) a birth certificate, issued by the Jewish Community in Lviv, indicating that Marcelli Karol Buber was born on 23 July 1881 in Lviv; (3) a marriage certificate, issued by the Jewish Community in Lviv, indicating that Susanna Gabriele Buber was the daughter of Jozef Hirsz Buber and Zofia Buber, and married Selig Leib Wohlmann on 31 January 1892; (4) a birth certificate, issued by the Jewish Community in Lviv, indicating that Marya Wohlmann was born on 24 June 1893 to Zygmunt (Selig) Wohlmann and Zusanna Gabryela Wohlmann; (5) a marriage certificate, issued by a Registry Office of Ivano-Frankivsk, Ukraine, indicating that Mykola Wolman was the son of Marya Wolman, and that he married Anna Maslianчук on 7 June 1928; (6) a birth certificate, issued by a Registry Office of Ivano-

Frankivsk indicating that Volodymyr Myroslav Wolman was born on 25 March 1936 to Mykola Wolman and Anna Wolman; (7) a death certificate, issued by a Registry Office of Ivano-Frankivsk, indicating that Mykola Wolman died on 26 June 1985; (8) a death certificate, issued by a Registry Office of Ivano-Frankivsk, indicating that Volodymyr Wolman died on 30 July 2002; and (9) the Claimant's own marriage certificate indicating that Liliya Volodymyrivna Wolman, who was the daughter of Volodymyr Wolman, married Bondan Rudyk in 1985. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The records of the Press Office of the Polish Ministry of Finance indicate that the account was paid to the Polish National Bank on 15 August 1975.

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 the brother of her paternal great-grandmother, 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 records of the Press Office of the Polish Ministry of Finance indicate that the value of the demand deposit account as of 28 February 1964 was SF 6,098.15. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 300.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 6,398.15. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 79,976.88.

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
19 July 2007