

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alexandre Ceusianu

Claim Numbers: 221685/AE; 223359/AE

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (“the Claimant”) to the published account of Alexandre Ceusianu (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted two Claim Forms identifying the Account Owner as her paternal grandfather, Alexandru Ceusianu, who was born on 24 May 1898 in Reghin, Romania, and was married to [REDACTED], née [REDACTED] in 1931, in Cluj-Napoca, Romania. The Claimant indicated that Alexandru Ceusianu and [REDACTED] had three children: Alexandru, Maria, and [REDACTED]. The Claimant further indicated that her grandfather, who was a lawyer, teacher, and a writer, resided in Reghin, Cluj-Napoca, and Sibiu. According to the Claimant, in 1925, her grandfather became President of *PNT-Maniu*, a political party in Romania. The Claimant indicated that, in 1931, her grandfather was elected representative deputy in the Chamber of Deputies, and that her grandfather was a member of the Parliamentary Committee for Foreign Affairs from 1932 to 1936. The Claimant indicated that her grandfather was forced to retire from *PNT-Maniu* and cease all political activity because his political adversaries believed him to be Jewish. According to the information provided by the Claimant, the Iron Guard, Romania’s national-socialist organization, targeted her grandfather because they believed him to be Jewish and a political adversary. The Claimant further indicated that even after he had left political office, threats from the Iron Guard against her grandfather’s life continued until 1939, and that because of these threats, her grandfather and his family were forced to move to Sibiu. The Claimant stated that her grandfather died on 17 January 1970 in Sibiu, that her grandmother died on 18 August 1978, also in Sibiu, and that all their three children also are deceased.

In support of her claim, the Claimant submitted the death certificate of her grandfather, indicating that his name was Sandor Ceusianu and that he was born in Reghin; her grandmother's death certificate, indicating her name as [REDACTED]; her father's birth certificate, indicating his name as Alexandru Ceusianu, and also indicating that his parents were Alexandru Ceusianu and [REDACTED]; and her own birth certificate, indicating her name as [REDACTED], and her father's name as Alexandru Ceusianu. The Claimant indicated that she was born on 22 January 1966 in Sibiu.

Information Available in the Bank's Records

The Bank's records consist of excerpts from the Bank's ledgers. According to these records, the Account Owner was Alexandre Ceusianu, who resided in Reghin, Romania.¹ The Bank's records indicate that the Account Owner held an account, numbered LD 28423, the type of which is not indicated. The Bank's records further indicate that there was no activity on the account after 1935. The Bank's records indicate that the account was transferred on 31 May 1948 to the Bank's suspense account for dormant assets. According to these records, on the date of its transfer, the account had a balance of 35.20 Swiss Francs ("SF"). The Bank's records do not show when the account at issue was closed. 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. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant also identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including the death certificate of her grandfather, indicating that his name

¹ 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"), Alexandre Ceusianu is indicated as residing in Poland. Upon careful review, the CRT has concluded that the Bank's records indicate that the Account Owner resided in Reghin, Romania.

was Sandor² Ceusianu and that he was born in Reghin, and her father's birth certificate, indicating his name as Alexandru Ceusianu, and his father's name as Alexandru Ceusianu. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city and country recorded in the Bank's records as the name, city and country of residence of the Account Owner. The CRT 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 indicated that her grandfather was believed to be Jewish, and that as a result he was forced to leave political office, threats were made to his life by the Iron Guard, and he and his family were forced to move to avoid further persecution.

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 her grandfather. These documents include the death certificate of her grandfather, indicating his name as Sandor Ceusianu who was born in Reghin; her father's birth certificate, indicating his name as Alexandru Ceusianu, and his father as Alexandru Ceusianu and mother as [REDACTED]; and her birth certificate, indicating her name as [REDACTED], and her father's name as Alexandru Ceusianu.

The Issue of Who Received the Proceeds

Given that there is no record of the payment of the Account Owner's account to him; that the Account Owner resided in a Communist country in Eastern Europe after the war; that the Account Owner and his heirs would not have been able to obtain information about his 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), (i) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

² The CRT notes that Sandor is the Hungarian equivalent of the Romanian name Alexandru, and that the Claimant's grandfather resided in Romania while it was part of the Austro-Hungarian empire.

Amount of the Award

In this case, the Account Owner held an account of unknown type. The Bank's records indicate that the value of the account, as of 31 May 1948, was SF 35.20. 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 95.20. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 claims 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
10 August 2005