

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Account of Isidor Christea

Claim Numbers: 201443/HM¹; 212345/HM

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (hereinafter “Claimant [REDACTED 1]”) and [REDACTED 2] (hereinafter “Claimant [REDACTED 2]”) (together “the Claimants”) to the account of Isidor Christea (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 claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted Claim Forms identifying the Account Owner as Isidor Christea, who was born on 20 October 1889 in Afumati, Romania, and was married to [REDACTED], née [REDACTED], on 1 February 1914 in Bucharest, Romania. Claimant [REDACTED 2] stated that Isidor Christea was the maternal grandfather of her husband, [REDACTED]. Claimant [REDACTED 1] is Claimant [REDACTED 2]’s son and stated that Isidor Christea was his great-grandfather. The Claimants submitted documents indicating that Isidor Christea was also known as “Christea Isidor.” The Claimants stated that Isidor Christea lived at 1A Dorobanti in Bucharest from 1935 to 1961. The Claimants further stated that Isidor Christea was removed from his position as the head manager of the Bucharest town hall in 1939 because the Nazis believed he was Jewish, and he was in hiding from 1940 to 1941. The Claimants asserted that Isidor Christea opened a Swiss bank account during the period when he was in hiding and that therefore, when he opened the account, he deliberately listed Paris as his city of residence in order to disguise his true location. Claimant [REDACTED 2] asserted that her husband told her about his grandfather’s account prior to his death in 1997. The Claimants indicated that Isidor

¹ Claimant [REDACTED 1] submitted two Claim Forms, which were registered under the Claim Numbers 201443 and 212089. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 201443.

Christea died on 26 November 1961 in Bucharest. The Claimants have provided Isidor Christea's birth certificate, death certificate and several other documents relating to him and his descendants. Claimant [REDACTED 2] stated that she was born on 28 May 1946 in Bucharest. Claimant [REDACTED 1] stated that he was born on 22 December 1979 in Bucharest.

Information Available in the Bank Records

The bank records consist of an extract from a suspense account ledger and listings of dormant accounts prepared by the Bank. The bank records identify the Account Owner as both Isidor Christea and Christea Isidor. According to the bank records, the Account Owner was of unknown nationality and used Paris as an address. The bank records indicate that the Account Owner held a demand deposit account numbered 410937, which was closed by bank fees in 1976. The balance on 13 December 1948, being the closest date to 31 December 1945 for which balance information is available, was recorded as 177.00 Swiss Francs. There is no evidence in the bank 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 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same account 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 claims of Claimant [REDACTED 1] and Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1] and Claimant [REDACTED 2] have plausibly identified the Account Owner as their great-grandfather and husband's grandfather, respectively. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and the city he reported to open the account. The CRT also notes that the city of residence of the Claimants' relative does not match the city reported in the bank documents. However, the Claimants have provided a reasonable explanation for this discrepancy. In addition, the Claimants have provided evidence that Isidor Christea also went by the name of Christea Isidor, a fact that is substantiated by the bank records, and they have correctly identified the Account Owner, even though his name was published only as "Christea Isidor" in the February 2001 list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution. The CRT therefore concludes that it is plausible that the Claimants' relative was the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was believed to be Jewish and was

the target of Nazi persecution when he was removed from his position as head manager of the town hall and while he was in hiding in Romania between 1940 and 1941.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly shown that the Account Owner is his paternal great-grandfather and Claimant [REDACTED 2] has plausibly shown that the Account Owner is her husband's grandfather. Based upon these stated relationships and according to the Rules, Claimant [REDACTED 1], who is a direct descendant of the Account Owner and the only blood relative who has submitted a claim to the account, has a better entitlement to the account than Claimant [REDACTED 2], who is related to the Account Owner by marriage.

The Issue of Who Received the Proceeds

The bank records indicate the account was closed in 1976 as a result of the imposition of bank fees. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claim is admissible because the claimed account belonged to a Victim of Nazi Persecution. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was his great-grandfather and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the demand deposit account as of 13 December 1948 was 177.00 Swiss Francs. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 260.00 Swiss Francs, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1 January 1945 and 13 December 1948. Consequently, the adjusted balance of the account at issue is 437.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value

presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 8,988.00 Swiss Francs.

Division of the Award

According to the principles of distribution set forth in Article 29 of the Rules, an award will provide for an equal division among the children of the Account Owner or their descendants who have submitted claims to the account. Claimant [REDACTED 1], as a direct descendant of the Account Owner and the only blood relative who has submitted a claim to the account, has a better entitlement to the account than Claimant [REDACTED 2]. In light of Claimant [REDACTED 1]'s claim, Claimant [REDACTED 2], who is related to the Account Owner through marriage, is not entitled to the account. Consequently, pursuant to Article 29 of the Rules, Claimant [REDACTED 1] is entitled to the entire amount of the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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