

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1], represented by [REDACTED],
and [REDACTED 2], represented by [REDACTED]

in re Account of Dr. Aurelio Finzi

Claim Numbers: 222269/AH; 223289/AH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the respective claims of [REDACTED 1] (hereinafter “Claimant [REDACTED 1]”) and [REDACTED 2] (hereinafter “Claimant [REDACTED 2]”), (together “the Claimants”), to the account of Dr. Aurelio Finzi (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where claimants have requested confidentiality, as both Claimants have done 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

Claimant [REDACTED 1] submitted a Claim Form and supporting documents identifying the Account Owner as the husband of her sister (her brother-in-law), Dr. Aurelio Vita Raffaele Finzi. According to Claimant [REDACTED 1], Dr. Aurelio Vita Raffaele Finzi was born on 29 June 1888, in Trieste, Italy, and married the Claimant’s sister, [REDACTED], in Trieste on 19 September 1929. Claimant [REDACTED 1] stated that her sister was born on 13 November 1896, to [REDACTED] and [REDACTED]. She stated that Dr. Aurelio Vita Raffaele Finzi was a Jewish doctor, who lived and worked at 11-14, via S. Lazzaro, Trieste, Italy, between 1933 and 30 December 1939, when he fled to Buenos Aires, Argentina, in order to escape Nazi persecution. The Claimant submitted various documents in support of her claim, including excerpts from the Trieste Office of Population Statistics, comprising a family tree and details in relation to members of the Finzi family. Claimant [REDACTED 1] also submitted death certificates for Dr. Aurelio Vita Raffaele Finzi and [REDACTED], née [REDACTED], ([REDACTED] remarried [REDACTED]) indicating that they died on 25 October 1940 and 1 January 1981 respectively. Claimant [REDACTED 1] enclosed their wills, indicating that Dr. Aurelio Finzi left his entire estate to his spouse, who in turn left her estate in its entirety to her sister, Claimant [REDACTED 1]. Claimant [REDACTED 1] submitted decisions of the Trieste court dated 3 September 1981 and 7 January 1982, which certify that the sole heir of Dr. Aurelio Finzi was his spouse and that her sole heir was Claimant [REDACTED 1]. The Claimant stated that she herself was born on 3 August 1909 in Trieste.

Claimant [REDACTED 2] submitted a Claim Form together with supporting documents identifying the Account Owner as her great uncle (her grandfather's brother) Aurelio Vita Raffaele Finzi, who was born on 29 June 1888, in Trieste, Italy, and was married on 19 September 1929 to [REDACTED]. The Claimant submitted excerpts from the Trieste Office of Population Statistics with information in relation to members of the Finzi family, together with a family tree. The family tree indicates that Claimant [REDACTED 2] is the daughter of [REDACTED], son of [REDACTED], who in turn was the brother of Aurelio Vita Raffaele Finzi. Claimant [REDACTED 2] stated that Aurelio Finzi was Jewish and that he and [REDACTED] did not have any children. Claimant [REDACTED 2] indicated that Aurelio Vita Raffaele Finzi died in Buenos Aires on 25 October 1940 and that [REDACTED] died in Trieste on 1 January 1981. The Claimant stated that she was born in Trieste on 12 May 1957.

Information Available in the Bank Records

The bank records include extracts from an account ledger. According to these records, the sole Account Owner was Dr. Aurelio Finzi, who resided at 14, via S. Lazzaro Trieste, Italy. The bank records indicate that the Account Owner held an account of unknown type, numbered 275370, the balance of which was 656.00 Swiss Francs as of 1962. The bank records further indicate that the account was closed on 27 June 1986, as a result of the imposition of bank fees. The amount in the account on the date of its closure is unknown. 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 or related accounts may be joined in one proceeding at the discretion of the Claims Judges. In this case, the CRT determines it appropriate to join the claims of Claimant [REDACTED 1] and of Claimant [REDACTED 2] in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. Their relative's name matches the published name of the Account Owner. Claimant [REDACTED 1] stated that her brother-in-law was a doctor, and this information matches the unpublished title of the Account Owner, contained in the bank records. Claimant [REDACTED 1] also identified the precise street address of their relative before the Second World War, which matches unpublished information about the Account Owner contained in the bank records. As the information provided by Claimant [REDACTED 2] about her relative including the dates of birth, marriage and death is identical to the information provided by Claimant [REDACTED 1], the CRT finds that both Claimants have identified the same person. In support of their Claims, the Claimants submitted various documents, including the death certificate and will of the Account Owner, together with excerpts from the Trieste Office of Population Statistics containing details in relation to members of the Finzi family.

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 Jewish. In addition, Claimant [REDACTED 1] stated that the Account Owner fled Nazi persecution, escaping from Italy to Argentina on 30 December 1939.

The Claimants' Relationship to the Account Owner

Claimants [REDACTED 1] and [REDACTED 2] have plausibly demonstrated that they are related to the Account Owner by submitting documents, demonstrating that they are the Account Owner's sister-in-law and great niece respectively.

According to Article 29(2)(b) of the Rules, if an Account Owner left an apparently valid will that has been provided to the CRT and none of the named beneficiaries of the Account Owner's will have filed a claim to the account, the CRT shall award the account to any claimant whose claim is based on an unbroken chain of wills submitted by the claimant, starting with the will of the Account Owner. Claimant [REDACTED 1] has provided the CRT with the will of the Account Owner and the will of the sole beneficiary in that will, the spouse of the Account Owner and the sister of the Claimant. That being an unbroken chain of wills, Claimant [REDACTED 1] has a better entitlement to the award than Claimant [REDACTED 2].

The Issue of Who Received the Proceeds

The bank records indicate that the account was closed as a result of the imposition of bank fees.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claims are admissible in accordance with the criteria contained in Article 23 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her brother-in-law, and that relationship justifies an Award. Finally, the CRT has determined 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 account as of 1962 was 656.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 270.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1962. Consequently, the adjusted balance of the account at issue is 926.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 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 47,400.00 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 16,590.00 Swiss Francs.

Division of the Award

As indicated above, as Claimant [REDACTED 1] has a better entitlement to the account, Claimant [REDACTED 2] is not entitled to the account. The total award amount is 47,400.00 Swiss Francs, of which Claimant [REDACTED 1] is entitled to the entire amount.

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