

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Chiara Anna Emilia Thomas
also acting on behalf of Angelo Giuseppe Ghiron, Fanny Giulia Bergami,
Valeria Ghiron and Laura Concini

in re Accounts of Ettore Ghiron and Anne Croveri-Ghiron

Claim Numbers: 500582/TW; 500583/TW

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of Chiara Anna Emilia Thomas, née Ghiron, (the “Claimant”) to the published accounts of Anne Croveri-Ghiron (“Account Owner Croveri-Ghiron”) and Ettore Ghiron (“Account Owner Ghiron”) (together the “Account Owners”) at the Geneva branch of the [REDACTED] (the “Bank”).¹

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 Owners as her paternal grandfather, Ettore Ghiron, who was born on 28 August 1890 in Turin, Italy, and her paternal grandmother, Anne Croveri-Ghiron, née Croveri, who was born on 1 November 1893 in Genoa, Italy. The Claimant stated that her grandparents were married on 3 January 1925 in Genoa, and that they had three children, who were all born in Turin: Angelo Giuseppe Ghiron, born on 31 January 1926; Fanny Giulia Bergami, née Ghiron, who was born on 4 July 1927, and the Claimant’s father, Giorgio Camillo Ghiron, who was born on 2 June 1931. The Claimant further indicated that Ettore Ghiron had a child, Alberto Ghiron, who was born on 8 September 1921, from a previous relationship with Laura Gianoglio. The Claimant stated that Ettore Ghiron worked as an inspector for an insurance company in Paris, France before being employed in Turin in the family carbon transport business between the years 1925 and 1938. The Claimant indicated that her grandparents resided in Turin at Via Carlo Alberto 33 between 1925 and 1938,

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”), Anne Croveri-Ghiron is indicated as having two accounts, and Ettore Ghiron is indicated as having three accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only two accounts, which were jointly held by Anne Croveri-Ghiron and Ettore Ghiron.

at which time they moved. The Claimant indicated that between 1938 and 1944, Ettore Ghiron worked in a bookshop in Genoa belonging to his wife. The Claimant stated that Ettore Ghiron, who was Jewish, was arrested in Genoa on 13 June 1944 and imprisoned in a transit camp, and was subsequently deported from Verona to Auschwitz. The Claimant stated that her grandfather perished at the hands of the Nazis at an unknown location.

In support of her claim, the Claimant submitted Ettore Ghiron and Anna Croveri-Ghiron's birth certificates indicating that they were born on 28 August 1890 in Turin and 1 November 1893 in Genoa respectively; Giorgio Camillo Ghiron's birth certificate, indicating that he was born in Turin on 2 June 1931 and that his parents were Ettore Ghiron and Anne Croveri-Ghiron; her own birth certificate indicating that her parents were Giorgio Camillo Ghiron and Laura Ghiron, née Supina; Ettore Ghiron and Anna Croveri-Ghiron's marriage certificate, indicating that they were married on 3 January 1925 in Genoa; Ettore Ghiron's death certificate indicating that the Italian authorities presumed that Ettore Ghiron perished in a concentration camp; an extract from a book in memory of Italian Jews who had been deported, including Ettore Ghiron; a declaration of the Genoa Jewish Community confirming that Ettore Ghiron was Jewish, was born in Turin and was deported to the Fossoli transit camp transit camp and subsequently to Auschwitz. The Claimant indicated that Anna Croveri-Ghiron was not Jewish.

The Claimant indicated that she was born on 7 April 1965 in Genoa. The Claimant represents her uncle, Angelo Giuseppe Ghiron, who was born on 31 January 1926 in Turin; her aunt Fanny Giulia Bergami, née Ghiron, who was born on 4 July 1927; her sister, Valeria Ghiron, who was born on 2 July 1970 in Genoa, Italy, and her cousin, Laura Concini, née Ghiron, who is the daughter of Alberto Ghiron, and was born on 23 June 1948.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database and a customer card. According to these records, the Account Owners were Ettore Ghiron and *Madame* (Mrs.) Anne Croveri-Ghiron who resided at Via Carlo Alberto, 33 in Turin, Italy. The Bank's records indicate that the Account Owners jointly held a demand deposit account in Pounds Sterling and a custody account, numbered 14367.

The Bank's records indicate that the accounts were opened on 15 December 1930 and closed on 30 January 1941. The Bank's records do not indicate the value of these accounts. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts 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 Owners

The Claimant has plausibly identified the Account Owners. The Claimant's grandparents' names, city and country of residence match the published names, city and country of residence of the Account Owners. The Claimant identified her grandparents' street address at Via Carlo Alberto 33, which matches unpublished information about the Account Owners contained in the Bank's records. The Claimant identified the fact that the Account Owners are related, despite the fact that their names were published separately 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").

In support of her claim, the Claimant submitted Ettore Ghiron's birth certificate indicating that he was born in Turin, and the birth certificate of her father, Giorgio Camillo Ghiron, indicating that he was born in Turin and that his parents were Ettore Ghiron and Anne Croveri-Ghiron, providing independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owners.

Additionally, the CRT notes that a database containing the names of Victims of Nazi Persecution includes a person named Ettore Ghiron, and indicates that his date of birth was 28 August 1890 and place of birth was Turin, which matches the information about Account Owner Ghiron provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Ghiron was a Victim of Nazi Persecution. The Claimant stated that Account Owner Ghiron was Jewish, that he was arrested in Genoa on 13 June 1944 and sent to the Fossoli transit camp, that he was deported from Verona to Auschwitz, and that he perished at the hands of the Nazis at an unknown location. The CRT notes that the Claimant submitted a declaration from the Genoa Jewish Community, confirming this information. As noted above, a person named Ettore Ghiron was included in the CRT's database of victims.

The CRT notes that while Account Owner Croveri-Ghiron was not Jewish, her husband, Account Owner Ghiron, was Jewish, and that she would have therefore been targeted for persecution by the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owners by

submitting specific information and documents, demonstrating that the Account Owners were the Claimant's grandfather and grandmother. These documents include the Claimant's birth certificate indicating that her parents were Giorgio Ghiron and Laura Ghiron, née Supino; and the Claimant's father's birth certificate, indicating that his parents were the Account Owners, Ettore Ghiron and Anne Croveri-Ghiron. There is no information to indicate that the Account Owners have surviving heirs, other than the parties whom the Claimant represents.

The Issue of Who Received the Proceeds

Given that Account Owner Ghiron was initially deported to a transit camp and then to Auschwitz, and later perished at an unknown location; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about their accounts 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; because even though one of the Account Owners was not Jewish and thus could have accessed the accounts, the Bank's records do not show who closed the account and received the proceeds; and given the application of Presumptions (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process (as amended) (the "Rules") the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners, or their 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 Owners were her grandfather and grandmother, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Ghiron and Account Owner Croveri-Ghiron jointly owned a demand deposit account and a custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the ICEP, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF") and the average value of a custody account was SF 13,000.00. Thus, the 1945 total average value of the accounts at issue is SF 15,140.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 189,250.00.

Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account and claimants related to each of the Account Owners have submitted claims to the account, it shall be presumed that each Account Owner was the owner of an equal share of the account. Consequently, Account Owner Ghiron and Account Owner Croveri-Ghiron shall each be presumed to have each owned a half-share in the custody and demand deposit accounts.

The Claimant is representing her uncle, Angelo Giuseppe Ghiron, her aunt, Fanny Giulia Bergami, her sister, Valeria Ghiron, and her cousin, Laura Concini. With respect to the half-share of the custody and demand deposit accounts owned by Account Owner Ghiron, the CRT notes that the Claimant and the parties she represents are all direct descendants of Account Owner Ghiron. Accordingly, the Claimant and her sister each are entitled to one-eighth of the value of Account Owner Ghiron's half-share in the custody and demand deposit accounts; and the Claimant's uncle, aunt, and cousin are each entitled to one-quarter of the value of Account Owner Ghiron's half-share in the custody and demand deposit accounts.

With respect to the half-share of the custody and demand deposit accounts owned by Account Owner Croveri-Ghiron, the CRT notes that the Claimant, the Claimant's sister, aunt and uncle, as direct descendants of Account Owner Croveri-Ghiron, are better entitled to the half-share in these accounts than the Claimant's cousin, Laura Concini, who is only related to Account Owner Croveri-Ghiron by marriage. Accordingly, the Claimant and her sister are each entitled to one-sixth of Account Owner Croveri-Ghiron's half-share in these accounts, while the Claimant's uncle and aunt, Angelo Giuseppe Ghiron and Fanny Giulia Bergami are each entitled to one-third of the value of Account Owner Croveri-Ghiron's half-share in the custody and demand deposit accounts.

Consequently, the Claimant and her sister, Valeria Ghiron, are each entitled to $\frac{7}{48}$ ths of the total award amount; the Claimant's aunt and uncle, Angelo Giuseppe Ghiron and Fanny Giulia Bergami, are each entitled to $\frac{7}{24}$ ths of the total award amount; and the Claimant's cousin, Laura Concini, is entitled to one-eighth of the total award amount.

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 December 2004