

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2] and [REDACTED 3]

**in re Account of P. Harris**

Claim Number: 776213/WI<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of P. Harris (the “Account Owner”) at the Lugano 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 claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimant**

The Claimant submitted an Initial Questionnaire identifying the Account Owner as his maternal grandfather, Philip (Filip) Harris (Crisaru) who was born on 14 January 1902 in London, the United Kingdom, and was married to [REDACTED] in 1926 in Saveni, Romania. In additional correspondence with the CRT, the Claimant stated that his grandfather’s parents were Romanian, that they emigrated to the United Kingdom at the end of the nineteenth century, and that soon after his grandfather was born, his family returned to Romania. The Claimant explained that his grandfather, who was Jewish, resided prior to the Second World War in Saveni, where he owned a bakery. According to the Claimant, his grandfather, who also held British citizenship, fled Romania for India in 1941, and that he subsequently returned to the United Kingdom in 1947. Finally, the Claimant indicated that many of his grandfather’s family members were murdered by Nazis.

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<sup>1</sup> [REDACTED 1](the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0233-081, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 776213.

In support of his claim, the Claimant submitted copies of: (1) his grandfather's birth certificate, indicating that Philip Harris was born on 14 January 1902 in London to [REDACTED] and [REDACTED], née [REDACTED]; (2) his grandfather's marriage certificate, indicating that Philip Harris and [REDACTED] were married in accordance with Jewish law in 1929 in Saveni; (3) his grandfather's Indian passport, issued on 29 September 1945, indicating that Mr. Phillip Harris, resided in India at the time with his wife [REDACTED], was a British subject; and (4) his mother's birth certificate, indicating that [REDACTED 2] was born on 26 May 1933 in Saveni to Filip Crisaru and [REDACTED].

The Claimant indicated that he was born on 12 December 1958. The Claimant is representing his mother, [REDACTED 2], who was born on 26 May 1926 in Saveni, and his mother's sister, [REDACTED 3].

### **Information Available in the Bank's Record**

The Bank's record consists of a report from 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"). According to this record, the Account Owner was P. Harris. The auditors' report does not indicate the Account Owner's domicile. The auditors' report indicated that the Account Owner held an account, the type of which is not indicated, which was suspended by the Bank on an unknown date, when it had a balance of 724.00 Swiss Francs ("SF"). The account remains suspended today.

Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about this account ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of an undated list of customers from the Bank's Lugano branch. This list indicates that the Account Owner was P. Harris and that the account, whose type is not indicated, was numbered 15215. The list includes a balance for the account, but the balance is undated and illegible.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's grandfather's surname and the first name initial match the published surname and first initial of the Account Owner. The CRT notes that the auditors' report does not contain any specific information about the Account Owner other than his name and first initial.

In support of his claim, the Claimant submitted documents, including his grandfather's birth certificate, his grandfather's marriage certificate, and his grandfather's Indian passport, providing independent verification that the person who is claimed to be the Account Owner had the same first name initial and surname recorded in the Bank's records as the first name initial

and surname name of the Account Owner. The CRT notes that the name P. Harris appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP List”).

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Philip Harris, prior to the publication of the ICEP List. This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 stated that the Account Owner was Jewish, that he resided in Nazi-allied Romania and that he fled Romania for India, and that many members of his family were murdered by the Nazis.

#### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant’s maternal grandfather.

The CRT notes that that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. The CRT further notes that the Claimant submitted copies of his grandfather’s birth and marriage certificates and a copy of his British Indian passport. The CRT notes that it is plausible that these documents are documents, which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner has surviving heirs other than the parties whom the Claimant is representing.

### The Issue of Who Received the Proceeds

The auditors' report indicates that the account was suspended on an unknown date, and that the account remains suspended today.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the represented parties [REDACTED 2] and [REDACTED 3]. 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 his mother's and his maternal aunt's, 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 accounts.

Further, the CRT notes that the represented parties [REDACTED 2] and [REDACTED 3], as the Account Owner's children, have a better entitlement to the account than the Claimant, the child of the represented party [REDACTED 2] and the Account Owner's grandchild.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditors' report indicates that the value of the account as of an unknown date was SF 724.00, and the list of accounts contains an illegible and undated balance. Because the balance is undated, the CRT treats this account as an account of unknown value. 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 ICEP Investigation, in 1945 the average value of an unknown type account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

### Division of the Award

According to Article 23(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares per representation. In this case, the Claimant is representing his mother, [REDACTED 2]; and his mother's sister, [REDACTED 3], both of whom are the Account Owner's children. Accordingly, represented party [REDACTED 2] and represented party [REDACTED 3] are each entitled to one-half of the total award amount. As noted above, the Claimant is not entitled to share in the award.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
23 June 2008