

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Georges Joseph

Claim Number: 223157/AH¹

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED](the “Claimant”) to the published account of Georges Joseph (the “Account Owner”) at the [REDACTED].² This Award is to the unpublished account of Georges Joseph at [REDACTED](the “Bank”).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 a Claim Form to the CRT and a claim to ATAG Ernst & Young in 1998 identifying the Account Owner as her second cousin, Georges Joseph, who was born in approximately 1922 in Luxembourg and was the only child of the Claimant’s father’s first cousin. The Claimant further stated that her second cousin, who was Jewish, lived in 18 rue de Strasbourg, Grand-Duche, Luxembourg until 1939, when he moved to Nice. One year later, he moved again to Cuneo, Italy. The Claimant stated that her second cousin was killed by Italian fascists in approximately 1944.

The Claimant stated that her second cousin had studied to be a painter. The Claimant further stated that the father of her second cousin opened a Swiss bank account in her second cousin’s name to provide for his son after the Second World War. The Claimant added that she had also heard about this account from her relatives in the United States who had survived the Holocaust.

The Claimant further stated that her own parents died in Auschwitz, and after the Second World War she was unofficially adopted by her second cousin’s family, and stayed with them from the age of 11 until she was 23. The Claimant indicated that she was born on 13 March 1935 in Luxembourg.

¹ The Claimant submitted an additional claim to the account of Marcel Salomon, which is registered under the claim number 223158. The CRT will treat the claim to this account in a separate decision.

² The CRT will treat the claim to this account in a separate decision.

Information Available in the Bank Records

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was Georges Joseph. The bank record indicates that the Account Owner held a savings/passbook account. The bank record does not indicate when the account was opened, but does show that it is still open and dormant. 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 (the "ICEP Investigation") indicated that there was no evidence of activity on this account after 1945. At the conclusion of the ICEP Investigation, the amount in the account as of 1 January 1999 was 0.16 Swiss Francs.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name. Thus, the additional information provided by the Claimant cannot be compared with the bank information. However, the CRT concludes that the Claimant has plausibly identified the Account Owner.

The first name of the Claimant's relative matches the unpublished name of the Account Owner. The Claimant has also provided detailed information about her second cousin and his family, including the names of family members, locations they lived before and during the Second World War, her second cousin's occupation, and the circumstances of his death. Moreover, on 3 November 1998, prior to the publication in February 2001 of the list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"), the Claimant filed a claim with ATAG, Ernst & Young in which she claimed an account in the name of Georges Joseph, using the same spelling of the name of the Account Owner identified in the bank record.

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 and lived in Nazi-controlled Italy. The Claimant also stated that the Account Owner was killed by fascists in Italy.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Georges Joseph, and indicates that his place of birth was Luxembourg, and that he later lived in Nice. The database further indicates that Georges Joseph was a student and that he never married. The above information matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting detailed information regarding her second cousin, including the names of her second cousin's family members, their relationship to her family, addresses of where they lived before, during and after the Second World War, her second cousin's occupation and the circumstances of his death. The Claimant indicated that the Account Owner never married, and there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account at issue is open and dormant. 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 the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her second cousin, 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 Account Owner's savings account as of 1 January 1999 was 0.16 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 925.00 Swiss Francs, which reflects standardized bank fees charged to the savings account between 1945 and 1 January 1999. This amount is reduced by 714.42 Swiss Francs, to reflect interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 210.74 Swiss Francs. According to Article 35 of the Rules, if the amount of a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 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 9,960.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the CRT has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, the value of the account at issue is based in part on the Article 35 presumptions and there is the possibility of other competing claims. In this instance, 35% of the total award amount is 3,486.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on her claim 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