

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Aron Mayer

Claim Number: 713294/NB¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of [REDACTED].² This Award is to the published account of Aron Mayer (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 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 father Aron Mayer, who was Jewish, resided in Bucharest, Romania, and was married to [REDACTED]. The Claimant stated that he was deported to Bessarabia in 1940, and then to a collective farm in Uzbekistan in 1941, where he was forced to work until the end of the Second World War. The Claimant did not provide any further information about the fate of his parents.

In support of his claim, the Claimant submitted a copy of a Red Cross certificate, indicating that [REDACTED], who was born in 1920 to Aron Mayer and who was Jewish, was evacuated from Moldova to Uzbekistan in 1941; and his own Israeli identification card, issued in 1992,

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999, he submitted an Initial Questionnaire (“IQ”), numbered HEB-0061117, 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 713294.

² The CRT did not locate an account belonging to [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

indicating that [REDACTED] was born on 16 May 1920 in Romania, that he is Jewish, and that his parents were Aron and [REDACTED].

The Claimant indicated that he was born on 16 May 1920.

Information Available in the Bank's Records

The Bank's record consists of a central registry card, an extract from a suspense account ledger, and an account ledger. According to these records, the Account Owner was Aron Mayer, who resided at Str. Sft. Constantia 24 in Bucharest, Romania. The Bank's records indicate that the Account Owner held a demand deposit account, held under the numbered relationship 11992, and that he directed the Bank to send correspondence to a person named *Herr* (Mr.) Zuberbühler. These records indicate that the account was suspended by the Bank on or before 31 December 1948, when it contained a balance of 29.00 Swiss Francs ("SF"). The last known date of the account's existence was 4 March 1953.

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") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and city and country of residence match the published name and city and country of residence of the Account Owner.

In support of his claim, the Claimant submitted documents, including a Red Cross certificate and his own identification card, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Aharon Meier, and indicates that he resided in Romania, that he was married to [REDACTED],³ and that he perished in the Holocaust, which is consistent with 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 database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

³ The CRT notes that the names included in the Yad Vashem records were transliterated from Hebrew characters, and that Aharon Meier and Aron Mayer are alternate spellings of the same name.

The CRT notes that the name Aron Mayer appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution (the "ICEP List").

The CRT notes that the Claimant filed his Initial Questionnaire with the Court in 1999, indicating his name and that of his father, prior to the publication of the ICEP List. This indicates that the Claimant has based his claim not 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 the other claims to this account were disconfirmed because those claimants provided a different city or country of residence than the city and country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 that he resided in Nazi-allied Romania. The Claimant further stated that the Account Owner's son, the Claimant, was deported to Bessarabia in 1940 and to Uzbekistan in 1941. As noted above, according to the CRT's database of victims, the Claimant's father perished in the Holocaust.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his father. These documents include the Claimant's evacuation certificate and identity card, indicating that his father was Aron Mayer. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was suspended by 31 December 1948, and the auditors presumed that it was closed some time after 4 March 1953.

Given that the Account Owner was Jewish and that he resided in Nazi-allied Romania during the Second World War; that the account was suspended by 1948 and remained open as of 1953; that the Account Owner perished in the Holocaust, that there is no record of the payment of the Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the 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; 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”) (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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 Owner was his father, and that relationship justifies an Award. Third, 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

In this case, the Account Owner held one demand deposit account. The Bank’s records indicate that the value of the account as of 31 December 1948 was SF 29.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 260.00, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 289.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
29 September 2009