

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of A. Miranda

Claim Number: 752034/TC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Rachamim Koen.² This Award is to the unpublished account of A. Miranda (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 ATAG Ernst & Young Claim Form in 1998 identifying the Account Owner as his paternal grandfather, [REDACTED], who was Jewish and lived in Kastoria, Greece with his wife, [REDACTED]. The Claimant indicated that his father, [REDACTED], was born on 20 May 1912 in Greece and was married to [REDACTED], née [REDACTED] ([REDACTED]). According to information provided by the Claimant, in 1943, his father was deported to Auschwitz, where he remained imprisoned until 1945. The Claimant further indicated that he has a brother, [REDACTED], living in New York, United States.

In support of his claim, the Claimant submitted a copy of his father’s death certificate, indicating that [REDACTED] was born on 20 May 1912 in Greece, that he was the son of [REDACTED],

¹ Claimant [REDACTED] (the “Claimant”) did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BSL-V-81-215-100-132, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 752034.

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

and that he was survived by his spouse, [REDACTED]. The Claimant also submitted a copy of a registration by his father to the German creditors claims office of the company *I.G. Farben*, indicating that [REDACTED] was interned in the Auschwitz concentration camp from 7 April 1943 until 29 April 1945.

The Claimant indicated that he was born on 18 August 1948 in Greece.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was A. Miranda. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, which was transferred on 8 May 1984 into a suspense account, where it remains today. The amount in the account on the date of its transfer was 450.00 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's first initial and last name match the unpublished first initial and last name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his first initial and last name.

In support of his claim, the Claimant submitted documents, including a copy of his father's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same first name initial and last name recorded in the Bank's record as the first name initial and last name of the Account Owner.

The CRT notes that there are no other claims to this account. 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 Target of Nazi Persecution

The CRT notes that although the Claimant did not indicate whether the Account Owner was a Victim of Nazi Persecution, the Claimant has made a plausible showing that the Account Owner's son was a Victim of Nazi Persecution. The Claimant indicated that the Account Owner's son, [REDACTED], was Jewish, lived in Nazi-occupied Greece, and was interned in the Auschwitz concentration camp. The Claimant also submitted a copy of his father's registration with the German creditors claims office of *I.G. Farben*, indicating that [REDACTED] was incarcerated in the Auschwitz concentration camp from 7 April 1943 until 29 April 1945.

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 the Claimant's paternal grandfather. These documents include his father's death certificate, indicating that [REDACTED] was the father of [REDACTED].

The CRT notes that the claim form provided by the Claimant indicates that the Account Owner had another grandchild, the Claimant's brother, [REDACTED]. However, the CRT has not received any claims from [REDACTED] nor is he represented in this case, and the CRT therefore will not treat his potential entitlement to the Account Owner's accounts in this decision.

The Issue of Who Received the Proceeds

The Bank's record indicates that on 8 May 1984, the account was transferred into a suspense account, where it remains today.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his grandfather, 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 account.

Amount of the Award

In this case, the Account Owner held one account, the type of which is not indicated. The Bank's record indicates that the value of the account as of 8 May 1984 was SF 450.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 625.00, which reflects standardized bank fees charged to the account between 1945 and 1984. Consequently, the adjusted balance of the account at issue is SF 1,075.00. According to Article 29 of the Rules, if the amount in an unknown type of account was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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
17 November 2006