

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Angel Novkirishki

in re Account of A. D. Nowkirischky

Claim Number: 224027/MBC

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of Angel Novkirishki (the “Claimant”) to the account of A. D. Nowkirischky (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as Angel Dimitrov Novkirishki, who was the cousin of his paternal grandfather.¹ The Claimant stated that his relative was born in Vratsa, Bulgaria, and that he was an ophthalmologist in Sofia, Bulgaria. The Claimant stated that Angel Novkirishki was married to Fiorentina Novkirishki. The Claimant also stated that his relative did not have any children. According to the information provided by the Claimant, his relative died in Sofia in 1975. The Claimant stated that he himself was born on 12 August 1975 in Sofia.

Information Available in the Bank Records

The bank records consist of a bank statement from June 1953, lists of dormant accounts, and an internal bank document containing information about the Account Owner and his account. According to these records, the sole Account Owner was Dr. A. D. Nowkirischky, an ophthalmologist from Sofia, Bulgaria. The bank records indicate that the Account Owner held a demand deposit account, and that the balance of the account as of 30 June 1943 was 149.00 Swiss Francs. The bank documents also indicate that the account was transferred to a collective account in December 1952 and that the account was closed to bank fees in 1964.

¹ The CRT notes that the different spellings of the Account Owner’s name result from the different phonetic transliterations of this name.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The first names of the Claimant's relative, Angel Dimitrov, match the initials of the Account Owner, as recorded by the Bank. Furthermore, the Claimant stated that his relative was an ophthalmologist. This information matches the unpublished information about the profession of the Account Owner contained in the bank documents.

Status of the Account Owner as a Victim of Nazi Persecution

While the Claimant stated that his relative did not belong to any of the groups targeted for persecution by the Nazi Regime, information before the CRT indicates that the Account Owner's wife was Jewish.² The Claimant stated that the Account Owner and his wife lived in Bulgaria, where anti-Jewish laws based on Nazi laws were enforced. While the Account Owner was not Jewish himself, his wife was, and it is therefore plausible that he falls within the definition of the class of persons eligible for awards under the Settlement Agreement.³

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner, by submitting a detailed family tree indicating that the Account Owner was the cousin of his paternal grandfather, and that the Claimant's great-great-grandfather and the Account Owner's grandfather were brothers. While the information provided by the Claimant indicates that the Account Owner may have other surviving relatives, the CRT notes that there are no other claims that have been filed to this account.

The Issue of Who Received the Proceeds

The bank records indicate that the account was transferred to a collective account and that the account was closed to bank fees in 1964. Therefore, it is clear that neither the Account Owner nor his heirs have 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 he is related to the Account Owner and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

² Another claimant, who is related to the Claimant and to the Account Owner, filed a claim to an account of the Account Owner's wife, Florentine. This other Claimant indicated in his claim that Florentine Novkirishka, the Account Owner's wife, was Jewish and that she lived in both France and Bulgaria.

³ Settlement Agreement, Section 1 (January 26, 1999) (defining Victim or Target of Nazi Persecution).

Amount of the Award

The Bank records indicate that the value of the account as of 30 June 1943 was 149.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 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. Consequently, the total award amount in this case is 25,680.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value/s and 35% of the total award amount is 8,988.00 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 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