

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Alexandru Salomowitz

Claim Number: 204624/AB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Alexandru Salomowitz (the “Account Owner”) at the Berne 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 a Claim Form identifying the Account Owner as her father, Alexander Jacob Slomovits, who was married to [REDACTED], née [REDACTED]. The Claimant stated that her father, who was Jewish, was the owner of a large dressmaking business with nine employees in Sighet, Romania. The Claimant indicated that her father's assets were located partly in Romania and partly in Switzerland, and that a travelling merchant from Vienna had transferred money and gold belonging to her father to Switzerland. The Claimant indicated that her father, as well as she herself and the rest of her family, were forced to live in a ghetto in April 1944 and were subsequently deported in May 1944 to the Auschwitz concentration camp, where the Claimant's father and the rest of her family perished. The Claimant stated that she was deported in November 1944 from Auschwitz to the Bergen-Belsen concentration camp, and then to Braunschweig and Bendorf to perform forced labor. The Claimant stated that she was then handed over in Denmark to the Swedish Red Cross and given medical treatment in a hospital in Landskrona, Sweden, in May 1945. The Claimant explained that she did not have documents to support her claim to her father's account because they were all confiscated by the Nazis. The Claimant stated that she was born on 17 April 1921 in Sighet, Romania.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Alexander Jacob Schlomovits.

Information Available in the Bank's Record

The Bank's record consists of a list of Romanian accounts. According to this record, the Account Owner was Alexandru Salomowitz, who resided in Romania. The Bank's record indicates that the account was frozen pursuant to a Swiss Federal decree on 20 August 1948 imposing a freeze on Romanian assets in Switzerland, at which time the balance of the account was 251.00 Swiss Francs ("SF").

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.

There is no evidence in the Bank's record 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 country of residence match the published name and country of residence of the Account Owner.¹

The CRT notes that the name Alexandru Salomowitz 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 an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her father, Alexander Jacob Schlomovits, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her 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. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

¹ The CRT notes that the Bank's record indicates that the Account Owner's name was spelled Salomowitz, while the Claimant indicated that her father's name was spelled Slomovits. The CRT finds that this is a minor discrepancy that does not materially affect the Claimant's identification of 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, that his property and assets were confiscated by the Nazi regime, that he and his family were forced in April 1944 to live in a ghetto, and that they were transported to the Auschwitz concentration camp in May 1944, where they perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was her father.

The CRT further notes that the Claimant filed an IQ 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. 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 this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in a concentration camp and the account continued to exist after the Second World War; 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 Second World 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 her 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 an account of unknown type. The Bank's record indicates that the value of the account as of 20 August 1948 was SF 251.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 311.00. According to Article 29 of the Rules, if the amount in an account of unknown type 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 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
30 December 2004