

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of F. Sufrin

Claim Number: 221699/SJ

Award Amount: 64,906.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of F. Sufrin (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 a Claim Form identifying the Account Owner as her maternal uncle, Filip Sufrin, also known as Froin Sufrin, who was born in 1889 in Oltenita, Romania, to [REDACTED] and [REDACTED]. The Claimant explained that her mother, [REDACTED], née [REDACTED], and Filip Sufrin were siblings. The Claimant indicated that her uncle had one child, [REDACTED], who died in Israel on an unknown date. The Claimant stated that her uncle, who was Jewish, was a lawyer in Bucharest, Romania, and that he died in Bucharest on 29 July 1945. In support of her claim, the Claimant provided a family tree; two extracts from the registrar of the Israeli Ministry of Interior Affairs, identifying the Claimant as [REDACTED], née [REDACTED], and the Claimant’s mother as [REDACTED], née [REDACTED]; her mother’s birth certificate, identifying her as [REDACTED]; her uncle’s death certificate, identifying him as Filip Sufrin of Bucharest; and pictures of her uncle’s tombstone, indicating that Filip Sufrin lived from 1889 until 1945. The Claimant indicated that she was born on 30 October 1926 in Birlad, Romania.

Information Available in the Bank’s Records

The Bank’s records consist of ledger pages, account statements, an internal memorandum, a list of accounts that were registered in the 1962 survey of assets held in

Switzerland belonging to foreigners or stateless persons who were presumed to have been persecuted for racial, religious or political reasons (the “1962 Survey”), letters to the Account Owner, and printouts from the Bank’s database. According to these records, the Account Owner was *Monsieur* (Mr.) F. Sufrin, a lawyer who resided in Bucharest, Romania, at Str. 11 Junie 57 and at Str. Romulus 2. These records show that the Account Owner also had an address in Paris, France.

The Bank’s records indicate that the Account Owner held one demand deposit account and one custody account, numbered 7542. The Bank’s records further indicate that the custody account was renumbered 625.917.R1 on an unknown date between 3 December 1963 and 31 December 1964. The Bank’s records show that the demand deposit account had a negative balance of 13.00 Swiss Francs as of 9 December 1943, and that as of 31 December 1945, the custody account held 5% *Stadt Craiova 1930* bonds with a face value of 2,000.00 gold Swiss Francs, and 10 *Astra Romana* shares with a nominal value of 5,000.00 Romanian Lei. The Bank’s records further show that the custody account was transferred to the Bank’s suspense account on or before 9 December 1960, and that it was registered in the 1962 Survey. A letter from the Bank dated 8 October 1968 indicates that the shares had been destroyed sometime prior to that date, as they had become worthless. An entry on the account registry card indicates that on 7 December 1968, the Bank transferred the bonds to the Swiss Federal “Kassen-und Rechnungswesen,” which in turn transferred them to the Swiss National Bank to be valued. The fate of these bonds remains unknown.

The Bank’s records do not show when the demand deposit account and custody account were closed, or to whom they were paid. 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 these accounts 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 the demand deposit account after 1945.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle’s name matches the published name of the Account Owner. The Claimant identified her uncle’s city and country of residence, which matches published information about the Account Owner’s city and country of residence contained in the Bank’s records. Additionally, the Claimant identified the Account Owner’s profession, which matches unpublished information contained in the Bank’s records. The Claimant also submitted her uncle’s death certificate, identifying him as Filip Sufrin of Bucharest; photographs of her uncle’s tombstone, identifying him as Filip Sufrin; extracts from the registrar of the Israeli Ministry of Interior Affairs, identifying the Claimant’s mother as [REDACTED], née [REDACTED], and the Claimant as [REDACTED], née [REDACTED], daughter of

[REDACTED]; and her mother's birth certificate, identifying her maiden name as [REDACTED]. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city of residence recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that the name F. Sufrin 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 CRT further notes that the other claim to this account was disconfirmed because that claimant identified the Account Owner as a woman, while the Bank's records clearly indicate that the Account Owner was a man. 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, that he lived in an Axis-controlled country during the Second World War, and that he died in Bucharest, Romania, in 1945.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, including her uncle's death certificate, photographs of her uncle's tombstone, her own birth certificate, and her mother's birth certificate. The CRT notes that the Claimant identified unpublished information about her uncle's profession, as contained in the Bank's records. The CRT further 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 of 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

Regarding the demand deposit account, given that the Account Owner was Jewish and resided in Nazi-occupied Romania during the Second World War; that the Account Owner died in 1945 and the account was closed in 1948; that there is no record of the payment of the Account Owner's account to him or his heirs; that the Account Owner's heirs would not have been able to obtain information about the Account Owner's 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 (c), (f), (h), (i) 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.

Regarding the custody account, the CRT notes that it is plausible that, since the account was still open in 1950, part of the proceeds could have been transferred to the Romanian government pursuant to an agreement between Switzerland and Romania whereby unclaimed assets held by Romanian citizens in Swiss banks were to be transferred to the Romanian government in return for compensation for Swiss property that had been nationalized by Romania's communist regime. Given this possibility; and given that the Bank's records indicate that the Bank transferred the *Stadt Craiova* bonds in the custody account to the Swiss Federal "Kassen-und Rechnungswesen," which in turn transferred them to the Swiss National Bank; that the account itself was transferred to the Bank's suspense account on or before 9 December 1960; that the Account Owner died in 1945 and his account remained in existence after the Second World War; that there is no record of the payment of the account to the Account Owner or his heirs; that the Account Owner's heirs would not have been able to obtain information about his accounts 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), (i) 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 uncle, 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 accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. The Bank's records indicate that as of 31 December 1945, the 5 % *Stadt Craiova 1930* bonds had a face value of 2,000.00 gold Swiss Francs, which was the equivalent of 3,050.00 Swiss Francs; and the 10 *Astra Romana* shares had a nominal value of 5,000.00 Romanian Lei, which was the equivalent of 2.50 Swiss Francs.¹ Thus, the total value of the assets held in the custody account was 3,052.50 Swiss Francs as of

¹ In calculating this amount, the CRT used official exchange rates.

31 December 1945. The current value of the amount of the custody account is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) or the Rules, for a total of 38,156.25 Swiss Francs. The Bank's records indicate that the demand deposit account had a negative balance of 13.00 Swiss Francs as of 9 December 1943. According to Article 29 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 demand deposit account shall be determined to be 2,140.00 Swiss Francs. The current value of this amount 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 an amount of 26,750.00 Swiss Francs. Consequently, the total award amount in this case is 64,906.25 Swiss Francs.

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
8 April 2004