

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to [REDACTED],
also acting on behalf of [REDACTED]

in re account of Mario Tedeschi and Olga Tedeschi

Claim Numbers: 213692/MBC; 213693/MBC

Award Amount: 27,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Mario Tedeschi and Olga Tedeschi (the “Account Owners”) at the Geneva branch of the [REDACTED 1] (“Bank I”) and the accounts of Mario Tedeschi at the [REDACTED 2] (“Bank II”).¹

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 owners, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted Claim Forms identifying the Account Owners as his father, Mario Tedeschi, and his mother, Olga Tedeschi, née Camerino. The Claimant stated that Mario Tedeschi was born on 27 January 1887 in Turin, Italy, and that Olga [REDACTED] was born on 18 April 1897 in London, England. The Claimant indicated that Mario Tedeschi and Olga Camerino were married on 26 March 1922 in Venice, Italy and lived in Turin during the Second World War. The Claimant stated that Mario Tedeschi was an attorney in Turin with an office at Via Consolata No. 1 Bis. The Claimant stated that his parents, who were Jewish, fled Italy to Switzerland in 1943 to escape Nazi persecution, returning to Italy in 1945 after the end of the Second World War. The Claimant’s father, Mario Tedeschi, died on 18 April 1978 in Turin and his mother, Olga Tedeschi, died on 28 March 1979 in Turin. In support of his claim, the claimant submitted copies of his birth certificate, passport, drivers’ license, and his parents’ marriage certificate. The Claimant stated that he and his sister, whom he represents, are the only heirs of Mario and Olga Tedeschi.

¹ With regard to the accounts at Bank II, the CRT has decided not to reach a decision at this time, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of the account.

Information Available in the Bank's Records

The records of Bank I consist of a bank account opening card with notations and signature samples and a printout from Bank One's database. According to these records, the joint Account Owners were Monsieur Mario Tedeschi and Madame Olga Tedeschi, née Camerino, with an address at No. 1 via Consolata, Turin, Italy. The Bank's records indicate that the Account Owners held a time deposit account. The Bank's records do not show when this account was closed or to whom it was paid, nor do these records indicate the value of this account. The last known contact with the Account Owners was on 14 January 1931, the date the account was opened. There is no evidence in the Bank's records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process (the "Rules"), as amended, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant to the accounts of Mario Tedeschi and Olga Tedeschi in one proceeding.

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The names of his parents and his mother's maiden name match the published names of the Account Owners of the account at Bank I, and the name of his father matches the published name of the Account Owner at Bank II. The Claimant identified the street address of his father's office in Turin, Italy, which matches the unpublished address contained in the bank documents provided by Bank I. The CRT notes that there are no other claims to this account.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has plausibly shown that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners, his parents, were Jewish, and that they were forced to flee Italy to escape Nazi persecution.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that the Account Owners were his parents by providing documentation including copies of his birth certificate, passport, drivers' license, and his parents' marriage certificate. The Claimant stated that his parents had no surviving heirs other than himself and his sister, whom he represents.

The Issue of Who Received the Proceeds

Given that there is no record of contact with the Account Owners after the account was opened or of the payment of the Account Owners' account to them, and the account was closed unknown to whom; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in determining 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 Owners were his parents, and that relationship justifies an award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one time deposit account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP investigation, in 1945 the average value of other types of accounts, such as a time deposit account, was 2,200.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 27,500.00 Swiss Francs.

Division of the Award

According to Article 23(1) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister in these proceedings. Accordingly, the Claimant and his sister are each entitled to one-half of the total award amount.

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 claims 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
September 15, 2003