

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Theodor Victor

Claim Number: 217553/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Theodor Victor (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the name 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 his father, Theodor Victor, who was born on 30 March 1905 in Bucharest, Romania, to [REDACTED] and [REDACTED], and was married in 1931 in Bucharest to his first wife, [REDACTED], née [REDACTED], the Claimant’s mother, who was born on 25 December 1907. The Claimant stated that after his father’s divorce from the Claimant’s mother, Theodor Victor was married in 1941 in Romania to [REDACTED], née [REDACTED], who was born on 11 December 1913. The Claimant further stated that his father had one child from his second marriage, [REDACTED], who was born on 16 April 1944 in Bucharest. According to the Claimant, his father, who was Jewish, was a flower merchant who owned a flower shop called *Riviera*, located at 7 Bratianu Boulevard in Bucharest, and a flower nursery located in Saftica, a city near Bucharest. The Claimant explained that both businesses were nationalized in 1940 and were not returned to his father until after the end of the Second World War. The Claimant stated that his father eventually emigrated to Israel, where he lived until his death on 21 May 1981 in Hadera.

In support of his claim, the Claimant submitted his father’s passport and his own birth certificate, indicating that the Claimant’s father was Theodor Victor of Romania; and a photograph of his father’s shop, *Riviera*. The Claimant stated that he was born on 30 March 1932 in Bucharest.

Information Available in the Bank's Records

The Bank's records consist of two extracts from suspense account ledgers. According to these records, the Account Owner was Theodor Victor, who resided in Romania. The Bank's records indicate that the Account Owner held an account of unknown type. The account was transferred on 8 June 1949 to a suspense account. The Bank's records indicate that the account existed as late as 4 March 1953. The amount in the account on the date of its transfer was 626.00 Swiss Francs. 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. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records 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. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and country of residence. In support of his claim, the Claimant submitted his own birth certificate and his father's passport, confirming that his father was Theodor Victor of Romania. The CRT further notes that the name Theodor Victor 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. Finally, 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 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 resided in Romania during the Second World War, and that his store and nursery were confiscated in 1940.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents including his own birth certificate, demonstrating that Theodor Victor was his father.

The Issue of Who Received the Proceeds

The CRT notes that it is possible that, if the accounts were still open in 1950, they 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 the placement of the Account Owner's account in a suspense account in 1949; the Communist dictatorial regime after the War; the absence of any record of the payment of the Account Owner's account to him; the probable inability of the Account Owner and his heirs to obtain information about the 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 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 his father, 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 account.

Amount of the Award

In this case the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 8 June 1949 was 626.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs for that type of account. 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 49,375.00 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 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
September 15, 2003