

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Monique Zilbermann and Simon Zilbermann

Claim Number: 215799/CN¹

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 Monique Zilbermann. This Award is to the published account of Monique Zilbermann (“Account Owner Monique Zilbermann”) and Simon Zilbermann (“Account Owner Simon Zilbermann”) (together the “Account Owners”) at the Villars branch of the [REDACTED] (the “Bank”).²

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 Account Owners as her paternal aunt and uncle (the siblings of her father, [REDACTED]): Monique Zilbermann and Simon Zilbermann. The Claimant indicated that her aunt was born around 1905 in Kishinev, Romania (today Moldova). The Claimant indicated that her aunt’s family was Jewish, and that beginning in 1924, her aunt lived in Paris, France. According to the Claimant, her aunt later married a French national and became a French citizen. The Claimant indicated that her aunt was deported from Paris, and died in the Holocaust in 1941. In a telephone conversation with the CRT on 14 July 2006, the Claimant stated that her aunt was one of nine children, and that two of her siblings, [REDACTED] and [REDACTED], went to Paris with her to study. The Claimant also stated

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 213155. The CRT will treat this claim in a separate determination.

² The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Monique Zilbermann and Simon Zilbermann are indicated as having one account each. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one joint account.

that her uncle, Simon Zilbermann, traveled before the Second World War, but returned to Kishinev, and remained there until his death in the late 1970s.

The Claimant submitted a copy of her birth certificate, indicating that her parents were [REDACTED] and [REDACTED]. The Claimant indicated that she was born on 15 January 1930 in Kishinev.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by her maternal uncle, [REDACTED].³

Information Available in the Bank's Record

The Bank's record consists of a debit note. According to this record, the Account Owners were Simon and Monique Zilbermann. The Bank's record does not indicate a place of residence for the Account Owners. The Bank's record indicates that the Account Owners held one account, the type of which is not indicated, numbered 809845. The Bank's record indicates that the account was considered dormant, and on 7 July 1982, it was transferred to a suspense account, where it remains. This record indicates that the amount in the account on 30 June 1982 was 205.75 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owners

The Claimant's aunt's and uncle's names match the published names of the Account Owners. The CRT notes that the Bank's record does not contain any specific information about the Account Owners other than their names.

The CRT notes that the Claimant identified both Account Owners as members of her family, although they were published separately on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). The CRT notes that the names Monique Zilbermann and Simon Zilbermann each appear only once on the ICEP List.

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 Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that Account Owner Simon Zilbermann lived in Nazi-allied Romania, and that Account Owner Monique Zilbermann

³ The CRT will treat the claim to this account in a separate determination.

resided in Nazi-occupied France until 1941, when she was deported from Paris, and perished in the Holocaust.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific biographical information, demonstrating that the Account Owners were the Claimant's aunt and uncle. The CRT notes that the Claimant submitted a copy of her birth certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owners. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that on 7 July 1982, the account was transferred to a suspense account for dormant assets, where it remains.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owners were her aunt and uncle, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one account of unknown type. The Bank's record indicates that the balance of the account as of 30 June 1982 was SF 205.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 585.00, which reflects standardized bank fees charged to the account between 1945 and 1982. Consequently, the adjusted balance of the account at issue is SF 790.75. According to Article 29 of the Rules, if the amount in an account 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
17 November 2006