

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]
and [REDACTED 3]

in re Account of Israël S. Ventura

Claim Number: 206729/MW

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Israël S. Ventura (the “Account Owner”) at 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 grandfather, Israël Ventura, who was born in 1862 in Vedin, Turkey, and was married to [REDACTED], née [REDACTED]. The Claimant stated that her grandfather had two children, [REDACTED], née [REDACTED], who was born on 7 January 1901 in Smyrna, Turkey, and [REDACTED], who was born on 28 May 1902 in Smyrna. The Claimant stated that her grandfather, who was Jewish, moved in 1935 from Cairo, Egypt to France, and resided at Rue Papillon 4 in Paris. The Claimant indicated that her grandfather often traveled to Switzerland, especially to the French-speaking region of the country. The Claimant further stated that after the Nazis invaded France, her family was persecuted by the Nazis, and on 22 January 1944 her mother, [REDACTED], her father, [REDACTED], her brothers, [REDACTED 2] and [REDACTED 3], and herself were deported to the concentration camp in Drancy, France, where they remained until October 1944, when they returned to Paris. The Claimant indicated that her grandfather died on 5 July 1939 in Paris, and her grandmother died in 1944, also in Paris.

The Claimant submitted various documents, including her parent’s marriage certificate, issued in Paris on 29 March 1934, which indicates that [REDACTED]’s father was Israël Ventura; her mother’s birth certificate, issued by the Jewish community in Smyrna on 4 August 1912, which indicates her father was Israël Ventura; her own marriage certificate, which indicates that the

Claimant's mother was [REDACTED]; and her mother's death certificate, which indicates that [REDACTED]'s father was Israël Ventura; and a letter from the *Centre de Documentation Juive Contemporaine*, which states that the organization has the original arrival cards showing that the Claimant's father and her family arrived at the Drancy concentration camp on 22 January 1944. The Claimant stated that she was born on 6 January 1940 in Bénouville, France. The Claimant is representing her brothers, [REDACTED 2], who was born on 19 April 1935 in Paris, and [REDACTED 3], who was born on 6 January 1940 in Bénouville.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was Israël S. Ventura who resided in Paris, France. The Bank's records indicate that the Account Owner held a demand deposit account. According to these records, the demand deposit account was opened on 21 March 1938 and closed on 17 May 1940. The amount in the account on the date of its closure is unknown. 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 has plausibly identified the Account Owner. Her grandfather's name matches the published name of the Account Owner. The Claimant identified her grandfather's city and country of residence, which matches published information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her parent's marriage certificate, issued in Paris on 29 March 1934, which indicates that [REDACTED]'s father was Israël Ventura; her mother's birth certificate, issued by the Jewish community in Smyrna, Turkey on 4 August 1912, which indicates her father was Israël Ventura; and her mother's death certificate, which indicates that [REDACTED]'s father was Israël Ventura, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that the name Israel S. Ventura appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably or possibly those of victims of Nazi persecution. The CRT further notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that although the Account Owner was not a Victim of Nazi Persecution because he died before the Nazi occupation of France, the Account Owner's heirs were Victims of Nazi Persecution. The Claimant stated that she and her parents and brothers were deported to the Drancy concentration camp in France on 22 January 1944. The Claimant also submitted a letter from the *Centre de Documentation Juive Contemporaine*, which states that the organization has

the original arrival cards showing that the Claimant's father and her family arrived at the Drancy concentration camp on 22 January 1944.

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 and documents, demonstrating that the Account Owner was the Claimant's maternal grandfather. These documents include her parent's marriage certificate, issued in Paris on 29 March 1934, which indicates that [REDACTED]'s father was Israël Ventura; her mother's birth certificate, issued by the Jewish community in Smyrna on 4 August 1912, which indicates her father was Israël Ventura; her own marriage certificate, which indicates that the Claimant's mother was [REDACTED]; and her mother's death certificate, which indicates that [REDACTED]'s father was Israël Ventura. There is no information to indicate that the Account Owner has surviving heirs other than the parties which the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the account was closed on 17 May 1940, after Germany invaded France; that the account was closed after the Account Owner's death; that there is no record of the payment of the Account Owner's account to him; that the Account Owner's heirs would not have been able 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 given the application of Presumptions (a)(ii), (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, the Power of Attorney Holder 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 grandfather, 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 demand 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 investigation carried out pursuant to the instructions of the ICEP, in 1945 the average value of demand deposit account was 2,140.00 Swiss Francs (SF). 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 SF 26,750.00.

Division of the Award

According to Article 23(1)(c) 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 her brothers, [REDACTED 2] and [REDACTED 3]. Accordingly, the Claimant and her two brothers are each entitled to one-third 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 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