

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Shaya Avram

in re Account of Saya Avram

Claim Number: 721787/OW¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Saya (or Shaya) Avram (the “Claimant”), to the account of Malka Bernstein.² This Award is to the unpublished account of Saya Avram (the “Account Owner”) at the [REDACTED] (the “Bank”).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 Claimants

The Claimant submitted an Initial Questionnaire identifying the Account Owner as himself, Saya (or Shaya) Avram, who was born on 28 June 1941 in Iasi, Romania. In a letter sent to the CRT on 10 November 2005, the Claimant stated that his father, [REDACTED], who was born on 5 June 1911 and was a carpenter, was married to [REDACTED], née [REDACTED], who was born on 13 February 1911. The Claimant indicated that his parents, who were Jewish, resided on Fentlimon Street in Iasi until 1941, when they were sent to work in different slave labor camps in Romania. The Claimant further stated that prior to the Nazi alliance with Romania, his parents deposited family valuables, jewelry and money in a bank account in Switzerland. The Claimant indicated that in 1941, German and Romanian troops looted jewelry and valuables from his parents’ house in Iasi. According to the Claimant, his parents survived the Second World War and resided in Romania until 1963, when he and his parents emigrated to Israel. The Claimant indicated that his mother died on 23 May 1983 and his father died on 23 October 1985, both in Israel.

¹Claimant Avram did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB 0282 034, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 721787.

² The CRT will treat the claim to the account of Malka Bernstein in a separate determination.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database and a list of customers. According to these records, the Account Owner was Saya Avram. These records do not indicate the Account Owner's domicile. According to these records, the Account Owner held an account, numbered 122.760, the type of which is not indicated. The Bank's records indicate that the Account Owner had instructed the Bank to hold correspondence, and that the account was dormant since 1956. The Bank's records show that the account had a balance of 828.50 Swiss Francs ("SF") as of 31 December 1966, and that the account was subsequently transferred to a suspense account on 3 April 1967, as of which date it still had a balance of SF 828.50. The account remains in the suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the unpublished name 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. The CRT also notes that the Claimant would have been a child at the time that the account was active, but finds it plausible that the account could have been opened in his name by his parents. The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different first name than the first name of the Account Owner. 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

Claimant Avram has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant Avram indicated that he is Jewish, that he resided in Nazi-allied Romania, and that his parents were sent to slave labor camps in Romania during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific information, demonstrating that he is the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate that on 3 April 1967, the account was transferred to a suspense account, where it remains today.

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 he is the Account Owner, and that justifies an Award. Third, the CRT has determined 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 as of 31 December 1966 was SF 828.50. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 330.00, which reflects standardized bank fees charged to the account between 1945 and 1966. Consequently, the adjusted balance of the account at issue is SF 1,158.50. According to Article 29 of the Rules, if the amount in an account of 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 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
23 February 2006