

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Ersilia Ester Barocas

in re Account of Ersilia Barocas

Claim Number: 222675/MBC

Award Amount: 62.50 Swiss Francs

This Certified Award is based upon the claim of Ersilia Ester Barocas (the “Claimant”) to the account of Ersilia Barocas (the “Account Owner”) at the Mendrisio branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying herself as the Account Owner. The Claimant indicated that she is Jewish, and that she was born on 25 September 1944 in Mendrisio, Switzerland, after her parents, Arnolfo Barocas and Rosa Barocas, née Sciunnach, sought refuge from the Nazis by fleeing from Genoa, Italy, to Switzerland in February 1944. The Claimant stated that her parents were from Italy. The Claimant submitted an identification card issued on 22 February 1945 in Berne, Switzerland, showing that she lived at Piazzeta Borrella in Mendrisio, Switzerland, from 1944 until 1946, after which she lived in Genoa, Italy, and Val D’Elsa, Italy. The Claimant stated that she was married to Salvatore Barone on 25 February 1971 in Florence, Italy, and that they obtained a legal separation on 30 June 1980. The Claimant further stated that she has lived in Bagno a Ripoli, Italy, since 1980. In support of her claim, the Claimant submitted a copy of a savings booklet, numbered 4959, from the Bank showing that a deposit of 5.00 Swiss Francs was made on 27 February 1945 in the Claimant’s name; her mother’s national identification card; and her own national identification card issued on 14 February 2000 in Bagno a Ripoli, identifying her as Ersilia Barocas and indicating that she was born in Mendrisio, Switzerland.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a savings/passbook account that was held at the Mendrisio branch of the Bank and was

owned by Ersilia Barocas.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Ersilia Barocas. The Bank's records do not indicate the Account Owner's country of residence. The Bank's records indicate that the Account Owner held an account of unknown type, numbered 4959, at the Bank's branch in Mendrisio. The Bank's records further indicate that the account was considered dormant by the Bank and transferred to the Bank's suspense account for dormant assets on 3 December 1987. The balance of the account as of the date of the transfer was 6.85 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her name matches the published name of the Account Owner. The Claimant submitted a bank document that was not included in the Bank's records indicating that she held a savings/passbook account at the Mendrisio branch of the Bank, which matches unpublished information contained in the Bank's records about the name of the Bank and its branch location. Furthermore, the bank document submitted by the Claimant provides more specific information regarding the type of account held and the balance of the account during the Second World War, for which there is no existing record at the Bank. In support of her claim, the Claimant submitted documents, including the bank document confirming the existence of a savings/passbook account in her name, and her national identification card, issued on 14 February 2000 in Bagno a Ripoli, identifying her as Ersilia Barocas and indicating that she was born in Mendrisio, Switzerland.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Ersilia Barocas, who was born on 25 September 1944; Rosa Barocas, who was born on 9 March 1911; and Arnaldo Barocas, who was born on 17 January 1901. This information is derived from the Swiss Federal Archives, which also indicates that they were Italian and arrived in Switzerland as refugees. The information contained in the database matches the information about the Account Owner and her family provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that there are no other claims to this account.

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 she is the Account Owner, that she is Jewish, and that her parents fled to Switzerland to seek refuge from the Nazis while her mother was pregnant with her. As noted above, a

person named Ersilia Barocas was included in the CRT's database of victims of Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is the Account Owner by submitting documents, including her own national identification card, demonstrating that she is Ersilia Barocas, the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open in the Bank's suspense account.

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 she is the Account Owner, and that justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a savings account. The savings booklet provided by the Claimant indicates that the value of the account as of 27 February 1945 was 5.00 Swiss Francs, and that there were no further deposits made to the account. According to Article 29 of the Rules, if the amount in a savings account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. In this case, the Claimant submitted the savings booklet showing that the original deposit in the account in 1945 was 5.00 Swiss Francs, and that no further deposits were made to the account. Accordingly, the CRT determines that the value of the account in 1945 was 5.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 62.50 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 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
22 December 2003