

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant Ersilia Ester Barocas

in re Account of Ersilia Barocas

Claim Number: 222675/AC

Award Amendment Amount: 10,312.50 Swiss Francs

This Certified Award Amendment 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.

On 22 December 2003, the Court approved an Award to the Claimant for a savings account owned by the Account Owner (the “December 2003 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the December 2003 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of the savings account was 830.00 Swiss Francs (“SF”), and that given the foregoing, the December 2003 Award amount shall accordingly be increased by SF 10,312.50.

The CRT notes that in the December 2003 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that she plausibly demonstrated that she is the Account Owner, and that she made a plausible showing that the Account Owner was a Victim of Nazi persecution. Based on the information contained in the Bank’s records, the CRT determined that the Account Owner held one savings account and that the value of the savings account was SF 5.00 as of 27 February 1945. Additionally, in the December 2003 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of her savings account. Finally, the CRT determined that the December 2003 Award amount was SF 62.50.

The CRT's Analysis

Amount of the Award Amendment

In the December 2003 Award, the CRT determined that the value of the Account Owner's savings account was SF 5.00, which is the amount recorded in the Bank's records as the value of the savings account as of 27 February 1945.

Pursuant to Article 29 of the Rules, if the amount in a savings account is less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the savings account shall be determined to be SF 830.00.

The CRT notes that in the December 2003 Award, the Claimant was awarded the amount recorded in the Bank's records as the balance of the account, rather than SF 830.00. Upon further consideration, the CRT has determined that this balance is not sufficient evidence to rebut the presumption of Article 29 of the Rules, and in the absence of additional corroborating evidence, the CRT concludes that the value of the Account Owner's savings account shall be determined to be SF 830.00. The amount of SF 5.00, which is the value for this account used in the December 2003 Award, is then subtracted from the Article 29 value, resulting in a difference of SF 825.00. 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.

Consequently, the amount of the December 2003 Award is increased by SF 10,312.50, which reflects the adjusted difference between the value of the Account Owner's savings account recorded in the Bank's records and the value determined by Article 29 of the Rules.

Certification of the Award Amendment

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
30 December 2005