

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Asriel Bassa

Claim Number: 208514/MC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Asriel Bassa (the “Account Owner”) at the Zurich branch of 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 and Initial Questionnaire identifying the Account Owner as her father, who was born on 6 March 1890 in Bucharest, Romania, and who was married to [REDACTED], née [REDACTED], in Bucharest. The Claimant stated that her father, who was Jewish, was a banker and that he owned the bank Campus & Bassa, located on Calia Victorie 14 Street in Bucharest. The Claimant stated that the Nazis confiscated her father’s bank and house in 1941 and 1942. The Claimant further stated that the Nazis sent her father to a camp outside Bucharest, where he was forced to perform slave labor. According to the Claimant, when the Soviets invaded Romania, they imprisoned her father because they believed he had money in Swiss bank accounts that he had not disclosed to them. The Claimant indicated that her father was released from prison in 1959 and returned to Bucharest. In 1964, he moved to Israel. The Claimant stated that her father died on 21 February 1968 in Montreal, Canada. The Claimant stated that she is the daughter of the Account Owner and that she was born in Bucharest on 7 October 1923.

Information Available in the Bank Records

The bank records consist of printouts from the Bank’s database that contains documents relating to transfers to collective/suspense accounts and to the profit and loss account. According to these records, the sole Account Owner was Asriel Bassa. The bank records do not indicate what type of account that the Account Owner held. The records indicate that the Account Owner was

Romanian and that he resided in Bucharest. According to the records, the account was transferred on 25 October 1958 to a collective/suspense account, following a period of at least ten years of inactivity. The amount in the account on the date of its transfer was 374.00 Swiss Francs. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons determined that the amount in the account had been paid to bank profits.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name and country of residence match the published name and country of residence of the Account Owner. Her father's city of residence also matches unpublished information about the Account Owner contained in the bank documents. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and city and country of residence. Thus, the additional information provided by the Claimant cannot be compared with the bank information. However, the period of inactivity on the account as evidenced in the bank records is consistent with information provided by the Claimant regarding her father's persecution by the Nazis and imprisonment by the Soviets following the War.

Moreover, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, prior to the publication in February 2001 of the 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"), asserting her entitlement to a Swiss bank account owned by Asriel Bassa. This indicates that the Claimant has based her claim not simply on the fact that a person identified on the ICEP List as owning a Swiss bank account bears the same name as her own, but rather on a direct family relationship that was known to her before the publication of the ICEP list. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP list. This strongly supports the credibility of the information provided by the Claimant and the validity of her claim, especially in the situation described above, where the bank records contain no information about the Account Owner other than his name and city and country of residence.

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 the Account Owner was Jewish and lived in Nazi-controlled Romania.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her birth certificate and her parents' marriage certificate, demonstrating

that she is the daughter of the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred into a suspense account and the ICEP auditors determined the account balance was taken into profits. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the account as of 25 October 1958 was 374.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 560.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1958. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 934.00 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown type of account was less than 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 16,590.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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