

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant Irina Riman
represented by Alexander Rimon

in re Accounts of Marta Berkowitz

Claim Number: 208548/UM

Award Amendment Amount: 4,175.00 Swiss Francs

This Certified Award Amendment is based upon the claim of Irina Riman, née Berkowitz, (the “Claimant”) to the published account of Marta Berkowitz (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).¹

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 12 November 2001 the Court approved an Award to the Claimant for two demand deposit accounts owned by the Account Owner (the “November 2001 Award”). In this Award Amendment, the CRT adopts and amends its findings set out in the November 2001 Award. Based upon Article 29 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), the CRT determines that the value of each of the demand deposit accounts was 2,140.00 Swiss Francs (“SF”), and that given the foregoing, the November 2001 Award amount shall accordingly be increased by SF 4,175.00.

The CRT notes that in the November 2001 Award, the CRT determined that the Claimant plausibly identified the Account Owner, that she plausibly demonstrated that she is related to 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 two demand deposit accounts and that the combined value of the two demand deposit accounts was SF 2,746.00 as of 1959, and that after factoring in standardized bank fees charged to the account between 1945 and 1959, as determined under Article 31(1) of the Rules, the CRT determined that the adjusted balance of the accounts at issue was SF 3,946.00. Additionally, in the November 2001 Award, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of her two demand deposit

¹ The CRT notes that, on the February 2001 published 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”), Marta Berkowitz is indicated as having one account. Upon careful review, the CRT concluded that the Bank’s records evidence the existence of two accounts.

accounts. Finally, the CRT determined that the November 2001 Award amount was SF 45,379.00.

The CRT's Analysis

Amount of the Award Amendment

In the November 2001 Award, the CRT determined that the combined value of the Account Owner's two demand deposit accounts was SF 2,746.00, which is the amount recorded in the Bank's records as the combined value of the two accounts as of 1959, plus an adjustment of SF 1,200.00, which reflects standardized bank fees charged to the two demand deposit accounts between 1 January 1945 and 1959, for a total adjusted balance of SF 3,946.00 for the Account Owner's two demand deposit accounts.

Pursuant to Article 29 of the Rules, if the amount in a demand deposit account is less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the demand deposit account shall be determined to be SF 2,140.00.

In this case, the CRT does not find that the combined value of the two demand deposit accounts indicated in the Bank's records constitutes plausible evidence to the contrary sufficient to rebut the presumption of Article 29 of the Rules, and concludes that the value of each of the Account Owner's two demand deposit accounts shall be determined to be SF 2,140.00. The CRT notes that the Bank's records do not clarify how the amount recorded in the Bank's records as the combined value of the two demand deposit accounts as of 1959 was allocated amongst the accounts. For purposes of this Award Amendment, the CRT presumes that the assets were equally divided amongst the two accounts. The amount of SF 3,946.00, which is the combined value for the two accounts used in the November 2001 Award, is then subtracted from the Article 29 value of two demand deposit accounts, resulting in a difference of SF 334.00. 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 November 2001 Award is increased by SF 4,175.00, which reflects the adjusted difference between the combined value of the Account Owner's two demand deposit accounts recorded in the Bank's records, plus an adjustment reflecting fees charged to the two accounts, and the value for two demand deposit accounts 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 2004