

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

Claimant [REDACTED 2],

and to Claimant [REDACTED 3]

in re Accounts of Alexander and Zelma Braun

Claim Numbers: 736600/BI, 736601/BI, 790563/BI¹

Award Amount: 216,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED] (“Claimant [REDACTED 1]”), [REDACTED 2] (“Claimant [REDACTED 2]”), and [REDACTED 3], née [REDACTED] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the published accounts of Alexander and Zelma Braun (the “Account Owners”) in the Zurich branch of the [REDACTED] (the “Bank”).²

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 Claimants submitted substantially similar Initial Questionnaires (“IQ”) identifying the Account Owners as Claimant [REDACTED 1]’s paternal aunt and uncle and adoptive parents,

¹ Claimants [REDACTED 1], [REDACTED 2] and [REDACTED 3] did not submit Claim Forms to the CRT. However, in 1999 each submitted an Initial Questionnaire (“IQ”), numbered RUM-0029055, RUM-0029053 and RUM-0029054, respectively, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and has been assigned claim number 790563, 736600 and 736601, respectively.

² 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”), Alexander (Alex) Braun and Zelma (Zelmira) Braun from Romania are each indicated as having four accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only three accounts, jointly held by Alexander and Zelma Braun.

Selma (Zelma) Braun, née Kövesi, who was born on 7 February 1897 in Utvin (county of Timisoara), Romania, and Samuel Alexandru (Samuila) Braun, who was born on 22 March 1897 in Bekesesaba, Hungary. Claimant [REDACTED 1], who is the mother of Claimant [REDACTED 2] and Claimant [REDACTED 3], indicated that Claimant [REDACTED 1]'s adoptive parents, who were Jewish, were married in Utvin, Romania in 1922 and owned a jewelry business. According to Claimant [REDACTED 1], her aunt and uncle adopted her when she was eighteen months old. Claimant [REDACTED 1] stated that in 1939 her adoptive parents traveled to Switzerland and deposited money and jewelry in a Swiss bank account.

In a telephone conversation with the CRT on 26 March 2007, Claimant [REDACTED 1] explained that, during the War, her adoptive parents were arrested and taken to Bucharest, where they were imprisoned. She also stated that her son, Claimant [REDACTED 2], traveled to Zurich in October 1994 to attempt to locate and retrieve her relative's account, but was unsuccessful, because the family was could not afford to pay the required search fee.

In support of her claim, Claimant [REDACTED 1] submitted copies of: (1) her adoptive father's birth certificate, indicating that Samuila Braun was born on 22 March 1897 in Bekesesaba, Hungary; (2) her adoptive father's death certificate, indicating that Samuila Braun passed away on 21 November 1978 in Timisoara, Romania; (3) her adoptive mother's birth certificate, indicating that Selma Kövesi was born on 7 February 1897 in Utvin, Romania; (4) her adoptive mother's death certificate, indicating that Selma Braun was born on 7 February 1897 in Utvin and died on 1 November 1984 in Timisoara; (5) her adoptive parents' marriage certificate, indicating that Alexandru Braun, born on 22 March 1897, and Zelma Kövesi, born on 7 February 1897, were married in 1922 in Utvin; (6) her own birth certificate, indicating that [REDACTED 1] was born on 19 February 1931 in Utvin and that her natural parents were [REDACTED] and [REDACTED], née [REDACTED]; (7) her own marriage certificate, indicating that [REDACTED] and [REDACTED 1] were married in 1948 in Timisoara.

In support of his claim, Claimant [REDACTED 2] submitted a copy of his birth certificate, indicating that [REDACTED 2] was born on 25 April 1954 in Timisoara and that his parents are [REDACTED] and [REDACTED 1]. In support of her claim, Claimant [REDACTED 3] submitted copies of her birth certificate, indicating that [REDACTED 3] was born on 22 May 1950 in Timisoara and that her parents are [REDACTED] and [REDACTED 1], and her marriage certificate, indicating that [REDACTED 3] and [REDACTED] were married on 14 September 1971 in Timisoara.

Claimant [REDACTED 1] indicated that she was born on 19 February 1931 in Utvin, Romania. Claimant [REDACTED 2] indicated that he was born on 25 April 1954 in Timisoara. Claimant [REDACTED 3] indicated that she was born on 22 May 1950 in Timisoara.

Information Available in the Bank's Records

The Bank's records consist of a list of accounts transferred to profits, a list of clients whose nationality was unknown, a list of suspended demand deposit accounts, a list of dormant accounts from 1950, and printouts from the Bank's database. According to these records, the

Account Owners were Alexander (Alexandru, Alex) and Zelma (Zelmira) Braun, who resided in Timisoara, Romania. The Bank's records indicate that the Account Owners jointly held three accounts: two demand deposit accounts and a custody account in United States Dollars ("US \$").

The Bank's records indicate that one demand deposit account was opened on 22 September 1938. According to the Bank's records, the account was suspended on 31 October 1945, following the Swiss Government's Freeze of Romanian Assets, at which time the amount in the account was 934.00 Swiss Francs ("SF"). The account remains open and dormant today.

The Bank's records indicate that the last activity in the second demand deposit account was registered on 28 December 1938, when the amount in the account was SF 882.80. This account was also suspended during the Swiss Government's Freeze of Romanian Assets. The Bank's records indicate that the proceeds of the account were transferred to a collective account on 4 November 1950 and were eventually credited to the Bank's profits in 1962.

According to the Bank's records, the custody account had no activity since February 1939, when the account value was US \$478.00. The Bank's records indicate that this account was also credited to the Bank's profits on 24 October 1962.

The Bank's records from 1962 indicate that the Bank received a letter, dated 1938, from the Account Owners in which they explained that they were fleeing their country and were unable to provide a forwarding address. There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 1]'s adoptive parents' names and country of residence match the published names and country of residence of the Account Owners, and her birth parents had the same last name as her aunt/adoptive mother (Kovesi). The Claimants also identified the Account Owners' city of residence, which matches unpublished information about the Account Owners contained in the Bank's records.

In support of her claim, Claimant [REDACTED 1] submitted documents, including her adopted father's birth certificate, her adopted mother's birth certificate, and her adopted parents' marriage certificate, providing independent verification that the persons who are claimed to be the

Account Owners had the same names and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owners.

The CRT notes that the Claimants each filed an Initial Questionnaire with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Alexander and Zelma Braun, 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"). This indicates that the Claimants have based their present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants. The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owners.

Status of the Account Owners as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owners were Jewish, and that during the War they were imprisoned in Bucharest, Romania.

The Claimant's Relationship to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimant [REDACTED 1]'s aunt and uncle and adoptive parents and Claimant [REDACTED 2]'s and Claimant [REDACTED 3]'s grandparents. These documents include Claimant [REDACTED 1]'s aunt's birth certificate, indicating that Selma Kövesi was born on 7 February 1897 in Utvin, Claimant [REDACTED 1]'s birth certificate, indicating that [REDACTED 1] was born on 19 February 1931 in Utvin and that her natural parents were [REDACTED] and [REDACTED], née [REDACTED]; Claimant [REDACTED 1]'s marriage certificate, indicating that [REDACTED] and [REDACTED 1] were married in 1948 in Timisoara; Claimant [REDACTED 3]'s birth certificate, indicating that [REDACTED 3] was born to parents are [REDACTED] and [REDACTED 1], and Claimant [REDACTED 2]'s birth certificate, indicating that [REDACTED 2] was born on 25 April 1954 in Timisoara and that his parents are [REDACTED] and [REDACTED 1]. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimants identified unpublished information about the Account Owners as contained in the Bank's records and that the Claimants filed an IQ with the Court in 1999, identifying the relationship between the Account Owners and the Claimants, prior to the publication in February 2001 of the ICEP List. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimants as family members, and all of this information

supports the plausibility that the Claimants are related to the Account Owners, as they have asserted in their IQs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the Account Owners held three accounts, one demand deposit account, which remains open and dormant, another demand deposit account, which was transferred to a collective account on 4 November 1950 and eventually credited to the Bank's profits in 1962, and one custody account, which was taken into the Bank's profits on 24 October 1962.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owners were her maternal aunt and uncle and her adoptive parents, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that Claimant [REDACTED 1], as the Account Owner's adopted daughter has a better entitlement to the accounts than Claimants [REDACTED 2] and Claimant [REDACTED 3], the Account Owners' grandchildren.

Amount of the Award

In this case, the Account Owners held two demand deposit accounts and a custody account. The Bank's records indicate that the value of the first demand deposit account was SF 934.00 as of 31 October 1945, and the value of the second demand deposit account was SF 882.80 as of 28 December 1938. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00. The Bank's records indicate that the custody account had a balance of US \$478.00 as of 1 February 1939, which was equivalent to SF 2,122.32.³ According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. Therefore, the total value for the three accounts is SF 17,280.00. The current value of this amount 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. Consequently, the total award amount in this case is SF 216,000.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted

³ The CRT uses official exchange rates when making currency conversions.

a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] is the adopted daughter of the Account Owners. Accordingly, Claimant [REDACTED 1] is entitled to the total award amount. As noted above, Claimant [REDACTED 2] and Claimant [REDACTED 3] are not entitled to share in the award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
30 May 2007