

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Simon Docteur

Claim Number: 752265/DE¹

Award Amount: 349,989.38 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Simon Docteur (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 an ATAG Ernst & Young claim form (“ATAG Form”) in 1998 to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), identifying the Account Owner as his paternal uncle, Simon Docteur, who was born in Romania and married to [REDACTED], née [REDACTED]. The Claimant stated that Simon Docteur had two brothers, [REDACTED] and [REDACTED] (the Claimant’s father). According to the Claimant, his uncle resided at Daniil Barcianu 6 in Bucharest, Romania. The Claimant further indicated that his uncle had no children and died in 1961. The Claimant submitted a clipping that he indicated was from the May 1997 edition of the newspaper “*Realitatea Evreiască*” published by the Jewish Religious Community in Romania. The Claimant further indicated that this clipping included his uncle’s name and street address as part of a larger list of possible dormant account holders.

¹ Claimant [REDACTED] (the “Claimant”) did not submit a CRT Claim Form. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered C-BUD-B-00-398-121-636, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. On 30 December 2004, the Court ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process (the “CRT”) as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (30 December 2004). The Claimant’s ATAG Form was forwarded to the CRT and has been assigned Claim Number 752265.

In a telephone conversation with the CRT on 27 August 2007, the Claimant indicated that his uncle, who was Jewish, was born on 24 June 1895 and owned a small business and real estate. The Claimant indicated that after the Nazi alliance with Romania his uncle performed slave labor and was made to shovel snow on the street. According to the Claimant, his uncle was a World War I veteran and this status helped protect him from more brutal treatment by the Nazis. The Claimant further stated that his uncle resided at Daniil Barcianu 6 in Bucharest until his house was confiscated by the Communist state following the end of the Second World War. According to the Claimant, he and his family members knew of the existence of a Swiss bank account. The Claimant stated that his uncle [REDACTED] was married to [REDACTED] and that they had a son named [REDACTED], and that they had all passed away. According to the Claimant, his father died in 1982, his mother died in 1987, and his only sibling [REDACTED] died in 1975.

In support of his claim, the Claimant submitted a copy of his birth certificate, which indicates that he was born in Bucharest to [REDACTED]and [REDACTED], and his Rumanian identity card.

The Claimant indicated that he was born on 8 April 1932 in Bucharest.

Information Available in the Bank's Record

The CRT notes that 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 ("ICEP" or the "ICEP Investigation") did not report an account belonging to Simon Docteur during their investigation of the Bank. The documents evidencing accounts belonging to Simon Docteur were obtained from archival sources in Switzerland and are further described below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey"). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Simon Docteur, numbered 47.

The records from the Swiss Federal Archive indicate that the Account Owner was Simon Docteur, who resided at Daniil Barcianu 6 in Bucharest, Romania in 1941 and that the Bank last had contact with him prior to the end of the Second World War. The records from the Swiss Federal Archive further indicate that the Account Owner held one numbered demand deposit account numbered 6929, with a balance of 26,764.15 Swiss Francs ("SF") as of 1 September 1963.

Records from the Swiss Federal Archive further indicate that the Account Owner's assets were reported to the Registration Office for Assets of Missing Foreigners (the "Registration Office") (*Meldestelle für Vermögen Verschwundener Ausländer*) on 27 February 1964. According to a document dated 9 December 1966 from the Guardianship Authorities of the city of Zurich (*Vormundschaftsbehörde der Stadt Zürich*) contained in these records, Dr. H. Häberlin was appointed custodian of this account on 2 December 1966. The records from the Swiss Federal Archive do not indicate the ultimate disposition of this account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The CRT notes that the Claimant indicated that he read the published name and address of the Account Owner in the Romanian newspaper "*Realitatea Evreiască*" in May 1997. The CRT also notes that the name appears only once on the List of Account Owners Published in 2005 (the "2005 List").

In support of his claim, the Claimant submitted documents, including his birth certificate, which indicates that he is the son of [REDACTED] and [REDACTED], and that he was born in Bucharest, providing independent verification that he and his family had the same last name and resided in the same town as the last name and city of residence of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Simon Docteur, indicates that he resided in Bucharest, and that he died in 1961, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 indicated that his uncle was Jewish and lived in Romania during the Second World War. The Claimant further indicated that his uncle performed slave labor in Romania after its alliance with Nazi Germany.

As noted above, a person named Simon Docteur was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's paternal uncle.

The CRT notes that the Claimant bears the same family name and resides in the same city and country of residence as the Account Owner and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the account was registered in the 1962 Survey, which indicates that, as of that date, it was open and dormant; that the Account Owner died in 1961, prior to the account's registration in the 1962 Survey; that there is no record of the payment of the Account Owner's account to his heirs, nor any record of a date of closure of the account; that the account owner and his heirs resided in a Communist country in Eastern Europe after the Second World War; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was his paternal uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held one numbered demand deposit account. The Swiss Archive's records indicate that the value of the numbered demand deposit account as of 1 September 1963 was SF 26,764.15. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 1,235.00, which reflects numbered account fees and standardized bank fees charged to the demand deposit account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 27,999.15. The current value of the amount of the award is determined by multiplying the adjusted by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 349,989.38.

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 his claim to determine whether there are additional Swiss bank accounts to

which he 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
18 December 2007