

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1],

and to Claimant [REDACTED 2],

and to Claimant [REDACTED 3]

in re Account of David Grünberg

Claim Numbers: 005351/MBC; 201974/MBC; 204567/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the published account of David Grünberg, and the claims of [REDACTED 2] (“Claimant [REDACTED 2]”) and [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to an account of Avram Grinberg (Grünberg).¹ This Award is to the published account of David Grünberg (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her grandfather, David Grünberg, who was born on 1 June 1902 in Romania, and was married to [REDACTED] on 7 March 1925 in Bucharest, Romania. Claimant [REDACTED 1] stated that her grandfather, who was Jewish, owned a printing house located at 98 Matei Voevod Street in Bucharest, and a second printing house and a book store, with an apartment on the second floor, located on Georgi Marinescu Street in Bucharest. Claimant [REDACTED 1] further stated that between 1939 and 1941, the family escaped from Romania to Switzerland, but were eventually deported from Switzerland and were forced to return to Romania. Claimant [REDACTED 1] stated that when they returned, their property had been confiscated. Claimant [REDACTED 1]

¹ The CRT will treat the claims to an account of Avram Grinberg (Grünberg) in a separate determination.

further stated that her father, [REDACTED], was taken into a forced labor camp between the years 1942 and 1944. Claimant [REDACTED 1] indicated that David Grünberg died on 15 February 1972 in Bucharest.

Claimant [REDACTED 1] submitted her father's death certificate, indicating that his name was [REDACTED], that he was born in Bucharest, and that his father was David Grünberg; her own birth certificate, indicating that she was the daughter of [REDACTED] and [REDACTED]; and a certificate issued by the Romanian government, indicating that her father was sent to a forced labor camp between 10 April 1942 and 21 August 1944. Claimant [REDACTED 1] indicated that she was born on 17 June 1959 in Bucharest.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as himself, indicating that he was born on 9 July 1934 in Braila, Romania to [REDACTED] and [REDACTED]. Claimant [REDACTED 2], who is Jewish, indicated that his family moved to Bucharest when he was still young, and that they were subsequently forced to live in the Jewish ghetto. In a telephone conversation with the CRT on 31 January 2003, Claimant [REDACTED 2] said that his father was the owner of a furniture and upholstery shop. Claimant [REDACTED 2] indicated that during the summer of 1940, his family fled Romania, passed through Yugoslavia and Italy, and attempted to reach Switzerland, but were denied entry to Switzerland and were forced to return to Romania. Claimant [REDACTED 2] said that the family finally left Romania in 1946 and, after traveling through Hungary and Austria, reached Israel in 1949. Claimant [REDACTED 2] further stated that, once in Israel, his father sent a letter to a bank in Switzerland, inquiring about money he had deposited, but that he received no response. Claimant [REDACTED 2] stated that he was unaware of his own middle name, David, until he requested and received an official birth certificate issued by the Romanian government in 1973.

Claimant [REDACTED 2] submitted his birth certificate, indicating that his name was [REDACTED], and that he was born on 9 July 1934 in Braila.

Claimant [REDACTED 2] previously submitted four Initial Questionnaires to the Court in 1999, asserting his entitlement to Swiss bank accounts owned by his parents, [REDACTED] and Golda [REDACTED], from Bucharest.²

Claimant [REDACTED 3]

Claimant [REDACTED 3], who is Claimant [REDACTED 2]'s brother, submitted a Claim Form identifying the Account Owner as his brother, [REDACTED 2], who was born on 9 July 1934 in Braila. Claimant [REDACTED 3] indicated that his family, who is Jewish, fled Romania, but that they were denied entry into Switzerland, forcing them to return to Romania. Claimant [REDACTED 3] also indicated that he remembered his father, [REDACTED], transferring money from a bank in Romania to a Swiss bank in connection with their planned flight to Switzerland, and also remembered that his father wrote to a Swiss bank, inquiring about his

² The CRT will treat the claims to these accounts in separate determinations.

account, after the Second World War. Claimant [REDACTED 3] indicated that he was born on 8 September 1936 in Ploesti, Romania.

Claimant [REDACTED 3] previously submitted two Initial Questionnaires to the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED].³

Information Available in the Bank's Records

The Bank's records consist of an account card and a printout from the Bank's database. According to these records, the Account Owner was David Grünberg, who resided at Rue Oituz 3, in Bucharest, Romania. According to the Bank's records, the Account Owner held one numbered account, the type of which is not indicated, with the designation 12287. The Bank's records indicate that the account was closed on an unspecified date between February 1945 and November 1949. The Bank's records do not indicate the value of the account. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account 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 Owner

Claimant [REDACTED 1]'s grandfather's name, Claimant [REDACTED 2]'s name, and Claimant [REDACTED 3]'s brother's name each match the published name of the Account Owner. The CRT notes that Claimant [REDACTED 2] was a child during the Second World War, and that Claimant [REDACTED 2]'s middle name matches the Account Owner's first name, but further notes that it is plausible that the account was opened by an adult in his name in an attempt to conceal the funds, and that it was opened using his middle name. Claimant [REDACTED 1]'s grandfather's, Claimant [REDACTED 2]'s, and Claimant [REDACTED 3]'s brother's city and country of residence also match the published city and country of residence of the Account Owner.

In support of her claim, Claimant [REDACTED 1] submitted her father's death certificate, indicating that he was born in Bucharest, and that his father was David Grünberg, providing independent verification that the person who is claimed to be the Account Owner by Claimant [REDACTED 1] had the same name and resided in the same city recorded in the Bank's records

³ As noted above, the CRT will treat the claim to this account in a separate determination.

as the name and city of residence of the Account Owner. Similarly, in support of his claim, Claimant [REDACTED 2] submitted his own birth certificate, indicating that his name was [REDACTED], and that he was born in Romania, providing independent verification that the person who is claimed to be the Account Owner by Claimant [REDACTED 2] and Claimant [REDACTED 3] had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

The CRT notes that Claimant [REDACTED 2] and Claimant [REDACTED 3] both submitted Initial Questionnaires to the Court in 1999, asserting their entitlement to accounts held by their parents, [REDACTED] and [REDACTED], 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 Claimant [REDACTED 2] and Claimant [REDACTED 3] have based their present claims 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 Claimant [REDACTED 2] and Claimant [REDACTED 3] had reason to believe that their relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 2] and Claimant [REDACTED 3].

The CRT further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2] (who is Claimant [REDACTED 3]'s brother) are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and given that the other claims to this account were disconfirmed because those claimants provided different countries of residence than the country of residence of the Account Owner, or claimed that the account was opened by the Account Owner on their relative's behalf, of which there is no evidence in the Bank's records, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1]

Claimant [REDACTED 1] has made a plausible showing that the Account Owner identified by her was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that her grandfather was Jewish, and that he and his family fled Romania for Switzerland, but were forced to return to Romania, where the Account Owner's son, [REDACTED], was required to perform forced labor between 1942 and 1944.

Claimant [REDACTED 2] and Claimant [REDACTED 3]

Claimant [REDACTED 2] and Claimant [REDACTED 3] have also made a plausible showing

that the Account Owner identified by them was a Victim of Nazi Persecution. Claimant [REDACTED 2] and Claimant [REDACTED 3] indicated that the Account Owner was Jewish, that in 1940 he and his family fled Romania for Switzerland, but that they were denied entry and were forced to return to Romania.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1]

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was her grandfather. These documents include the death certificate of her father, [REDACTED], indicating that his father was David Grünberg, and Claimant [REDACTED 1]'s birth certificate, indicating that her father was [REDACTED]. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 1] has other surviving heirs.

Claimant [REDACTED 2] and Claimant [REDACTED 3]

Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner. Claimant [REDACTED 2] submitted his birth certificate, indicating that he was born as [REDACTED]. The CRT notes that Claimant [REDACTED 3] and Claimant [REDACTED 2] are brothers. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 2] and Claimant [REDACTED 3] has other surviving heirs.

The Issue of Who Received the Proceeds

Given that both Claimant [REDACTED 1]'s family and Claimant [REDACTED 2]'s family attempted to flee Romania for Switzerland, but were denied entry, forcing them to return to Romania; that there is no record of the payment of the Account Owner's account to him, nor a record of a specific date of closure of the account; 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) and (j), as provided in Article 28 of 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 Claimant [REDACTED 1] and Claimant [REDACTED 2]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her grandfather, and Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner, and those relationships justify 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 account. The CRT notes that Claimant [REDACTED 2], as the Account Owner, has a better entitlement to the account than Claimant [REDACTED 3], the Account Owner's brother.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, Claimant [REDACTED 1] has established a plausible relationship to a person with the same name as the Account Owner, and Claimant [REDACTED 2] and Claimant [REDACTED 3] have established a plausible relationship to a person with the same name as the Account Owner. However, given that Claimant [REDACTED 2] and Claimant [REDACTED 3] have identified the Account Owner as Claimant [REDACTED 2], Claimant [REDACTED 2] has a better entitlement to their portion of the award amount than Claimant [REDACTED 3]. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount.

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
7 June 2006