

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Max Horowitz**

Claim Number: 002073/AG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Max Horowitz (the “Account Owner”) at the Lausanne 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 identifying the Account Owner as his father, Max Horowitz, who was born in 1904 in Chernowitz, Bukovina, Romania, and was married in 1929 to [REDACTED], née [REDACTED], who died in 1937. The Claimant stated that his father resided in Chernowitz and Bucharest, Romania, where he owned a clothing factory. The Claimant also stated that he is his father’s only child. According to the Claimant, his father, who was Jewish, was deported with all of his family to a ghetto in Transnistria, Romania. The Claimant added that his father was interned in a concentration camp in Transnistria until 1944, and disappeared between 1944 and 1945, and was never heard from again. In a telephone conversation with the CRT on 21 October 2002, the Claimant stated that his family returned to Chernowitz after the Second World War. In support of his claim, the Claimant submitted his birth certificate, which indicates that his father was Max Horowitz and that his country of residence was Romania. The Claimant indicated that he was born on 10 November 1931 in Chernowitz.

### **Information Available in the Bank’s Record**

The Bank’s record consists of a customer card. According to this record, the Account Owner was Max Horowitz, who resided in Bucharest, Romania. The Bank’s record indicates that the Account Owner held a demand deposit account, which was opened on 25 March 1942 and was closed on 4 February 1950. The amount in the account on the

date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant identified his father's place of residence as Bucharest, which matches unpublished information about the Account Owner contained in the Bank's record. In support of his claim, the Claimant submitted documents including his birth certificate, which indicates that Max Horowitz was the Claimant's father and that he resided in Romania, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's record as the name and country of residence of the Account Owner. The CRT also notes that the name Max Horowitz appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP List") to be probably or possibly those of victims of Nazi persecution. Furthermore, the CRT notes that the other claims to this account were disconfirmed because those claimants provided a different city or country of residence than the city and country of residence of the Account Owner. Taking all 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 stated that the Account Owner, who was Jewish, was deported along with all of his family to a ghetto in Transnistria, Romania, was interned in a concentration camp in Transnistria until 1944, and disappeared sometime between 1944 and 1945.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was his father by submitting documents, including his birth certificate, which indicates that he is the son of Max Horowitz. There is no information to indicate that the Account Owner has other surviving heirs. In addition, the Claimant stated that he is his father's only child.

### The Issue of Who Received the Proceeds

The CRT notes that it is possible that, since the account was still open in 1950, it could have been transferred to the Romanian government pursuant to an agreement between Switzerland and Romania whereby unclaimed assets held by Romanian citizens in Swiss banks were to be transferred to the Romanian government in return for compensation for Swiss property that had been nationalized by Romania's communist regime. Given this

possibility, the persecution of Jews in Romania and the confiscation of Jewish assets during the War, the Communist dictatorial regime after the War; that the Account Owner was interned in a concentration camp and later disappeared sometime between 1944 and 1945; that the Account Owner's account was closed in 1950; that the Account Owner's relatives lived in Communist Romania after the Second World War and would not have been able to access 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 inquires 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 father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner, nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account. 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 the Independent Committee of Eminent Persons (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00 Swiss Francs.

#### **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  
31 December 2003