

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Max Jurist

Claim Number: 400234/MBC¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Max Jurist (the “Account Owner”) at the Geneva 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 paternal uncle, Max Jurist, who was born in 1917 in the Bessarabia region of Romania. The Claimant indicated that in 1938, his uncle, who was Jewish, moved to France, where he resided until 1940. The Claimant further indicated that his uncle sent a letter to his family in 1940, indicating that he intended to move to Switzerland, after which all contact with him was lost, due to the Soviet occupation of Bessarabia and Nazi Germany’s occupation of France. The Claimant explained that the Soviet authorities changed his father’s last name from Jurist to [REDACTED] ([REDACTED]).

In support of his claim, the Claimant submitted a printout from the Israeli Ministry of Interior, and a marriage certificate issued by the Ukrainian authorities, indicating that [REDACTED] ([REDACTED]), the son of [REDACTED] ([REDACTED]), was born on 27 October 1941.² The Claimant indicated that he was born on 27 October 1941 in Petropavlovsk, the Soviet Union (today Kazakhstan).

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 004261. The CRT will treat this claim in a separate determination.

² The CRT notes that the Claimant’s name can be transliterated from both Hebrew and Ukrainian as either [REDACTED] or [REDACTED].

Information Available in the Bank's Records

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 Max Jurist during their investigation of the Bank. The existence of an account at the Bank is evidenced by documents from the Swiss Federal Archive in Bern, Switzerland.

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, there are documents concerning the registration of assets belonging to Max Jurist, numbered 113. According to these records, the Account Owner was Max Jurist, who resided at 25, Str. Märzexn, in Jassy, Romania. The records indicate that the Account Owner held one demand deposit account, whose value as of 1 September 1963 was 675.55 Swiss Francs (“SF”). These records further indicate that, pursuant to the Federal Decree, a trustee was appointed for the Account Owner. These records finally indicate that the balance of the account in the amount of SF 863.15 was transferred to the Fund for Heirless Assets (*Fonds des biens en déshérence*) no later than 29 May 1970.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant identified his uncle's area of birth as the Bessarabia region of Romania, which is consistent with unpublished information about the Account Owner contained in the records from the Swiss Federal Archive.³ 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 stated that the Account Owner was Jewish, that he resided in Nazi-occupied France, and that that he was never heard from again after Nazi Germany's occupation of France.

³ The CRT notes that the Account Owner resided in Jassy, Romania, which is in the Bessarabia region of Romania.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's uncle. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Swiss Federal Archive records. The CRT further notes that the Claimant submitted a printout from the Israeli Ministry of Interior, and a marriage certificate issued by the Ukrainian authorities, indicating that his name is [REDACTED] ([REDACTED]), which provides independent verification that the Claimant's relatives bore a substantially similar family name as the Account Owner.⁴ Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, 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

The records of the Swiss Federal Archive indicate that the balance of the account was paid to a fund for heirless assets no later than 29 May 1970.

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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his uncle, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Swiss Federal Archive records indicate that the balance of the account as of 1 September 1963 was SF 675.55. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects numbered account fees and standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 960.55. According 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 account shall be determined to be SF 2,140.00. The current value of the amount of the award 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, to produce a total award amount of SF 26,750.00.

⁴ The CRT notes that the Claimant explained that after the occupation of Bessarabia by the Soviet Union, his father's last name was changed from Jurist to [REDACTED] ([REDACTED]).

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
17 November 2006