

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Mordchaj Lichtfeld

Claim Number: 500466/LK

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Mordchaj Lichtfeld (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.¹

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her husband, Mordchaj Lichtfeld, who was born on 9 August 1916 in Lublin, Poland, and was married to the Claimant on 23 March 1949 in Quaregnon, Belgium. The Claimant stated that her husband, who was Jewish, moved from Lublin to Brussels, Belgium, around 1937 and then fled when the Nazis invaded Belgium and went to France around 1940. The Claimant further stated that her husband lived in Lausanne, Switzerland towards the end of the Second World War as a medical student and became a medical doctor. According to the Claimant, her husband died on 21 March 1996, in Ramat Gan, Israel. In support of her claim, the Claimant submitted her husband’s Belgian identity card; her husband’s Belgian passport; a certificate regarding her husband’s domicile, indicating that he resided in Lausanne, Switzerland; her own marriage certificate, identifying Mordchaj Lichtfeld as her husband, indicating that they were married in 1949; and a change of matrimonial regime certificate, identifying Mordchaj Lichtfeld as a medical doctor and indicating that the couple wanted marriage laws enacted in 1976 to apply to their marriage.

The Claimant indicated that she was born on 15 December 1918 in St. Petersburg, Russia.

¹ The CRT notes that on her claim form, the Claimant did not select whether or not she preferred confidential treatment of her claim. As a matter of policy in such circumstances, the CRT affords confidential treatment.

Information Available in the Bank's Records

The Bank's records consist of lists of suspended accounts. According to these records, the Account Owner was Dr. Mordchaj Lichtfeld. The Bank's records do not indicate the Account Owner's place of residence. According to the Bank's records, the Account Owner held an account of unknown type. The Bank's records indicate that the last date of existence of the account was 13 August 1963. The Bank's records do not show when the account at issue was closed, or to whom it was paid.

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") indicated that the account was transferred to a suspense account for dormant assets on 24 February 1953. The amount in the account on the date of its transfer was 1,294.50 Swiss Francs. The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. 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

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her husband's name matches the published name of the Account Owner. The Claimant identified her husband's professional title, a doctor, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her own marriage certificate, identifying Mordchaj Lichtfeld as her husband; and a change of matrimonial regime certificate, identifying Mordchaj Lichtfeld as a medical doctor, providing independent verification that the person who is claimed to be the Account Owner held the same title as that recorded in the Bank's records as the title of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Mordchaj Lichtfeld, and indicates that his date of birth was 9 August 1916, and that his nationality was Polish, 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 stated that the Account Owner was Jewish and fled Belgium in 1940 to escape the Nazis. As noted above, a person named Mordchaj Lichtfeld was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical documents, including her own marriage certificate, identifying Mordchaj Lichtfeld as her husband, demonstrating that she was the Account Owner's wife.

The Issue of Who Received the Proceeds

Given that the Account Owner's account remained in existence after the Second World War; that the account was placed in a suspense account for dormant assets after the Second World War; that there is no record of the payment of the Account Owner's account to him; that the Account Owner or 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 (b), (h) 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 her husband, 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 account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 24 February 1953 was 1,294.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 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 her claim to determine whether there are additional Swiss bank accounts to

which she 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
8 April 2004