

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of Marcel Marcovici

Claim Number: 204609/AH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”), to the account of Marcel Marcovici (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 a Claim Form identifying the Account Owner as her brother, Marcel Marcovici, who was born in 1908 in Botosani, Romania, and was married to [REDACTED]. The Claimant indicated that her brother had no children, and that her other two brothers passed away, so she is Marcel Marcovici’s only surviving sibling. The Claimant indicated that in the 1930s Marcel Marcovici studied in Berlin, Germany, and frequently visited one of their brothers who resided in Zurich, Switzerland. The Claimant further indicated that after 1934, Marcel Marcovici, who was Jewish, fled Germany and returned to Romania where he resided in Bucharest and worked as an engineer. In a telephone conversation with the CRT on 9 January 2002, the Claimant’s representative stated that members of Marcel Marcovici’s family were persecuted by the Nazis and were forced to wear yellow stars. In a second telephone conversation with the CRT on 10 January 2002, the Claimant’s representative stated that after the Second World War Marcel Marcovici remained in Romania until the 1970s, when he and his wife were finally able to immigrate to Israel. They resided in Ashkelon, where Marcel Marcovici died in 1979 or 1980. The Claimant submitted her passport and her marriage certificate, indicating the name [REDACTED] was her maiden name and showing her Romanian origin. The Claimant indicated that she was born on 30 May 1921, in Botosani, Romania.

Information Available in the Bank Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Marcel Marcovici, who lived at Strada Justitiei 62, Bucharest, Romania. The Bank's records indicate that the Account Owner held an account of unknown type, numbered 2790. The records indicate that on a certain unspecified date, the Account Owner instructed the Bank that all correspondence regarding the account be sent in a blank envelope to the above address. The Bank's records do not show if or when the account at issue was closed, or to whom it was paid, nor do these records indicate the value of this account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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's brother's name matches the published name of the Account Owner. The Claimant also identified her brother's city and country of residence, which match the published information about the Account Owner's domicile contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and address. In support of her claim, the Claimant submitted documents, including her passport and her marriage certificate, indicating that "[REDACTED]" was her maiden name and showing her Romanian origin. The CRT notes that the name Marcel Marcovici appears only once on the February 2001 list of published accounts determined by the ICEP Investigation to be probably or possibly those of victims of Nazi persecution. The CRT also 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, who was Jewish, fled Germany and that he and his family were persecuted by the Nazis after the invasion of Romania by Germany in 1940.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents and information indicating that she is the Account Owner's sister. There is no indication that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The CRT notes that it is possible that, if 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, and 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 Governing the Claims Resolution Process (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 brother, 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. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 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
June 3, 2003