

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Mihai Popovici

Claim Number: 214462/MBC¹

Award Amount: 685,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the published account of Mihai Popovici (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 cousin, [REDACTED], the son of the Claimant’s father’s brother, [REDACTED]. The Claimant indicated that her cousin, who was Jewish, was born on an unknown date in Borsa, Maramures, Romania, and that he was married to [REDACTED]. In a telephone conversation with the CRT on 25 March 2003, the Claimant stated that her cousin and other members of his family owned a wholesale food and flower business. The Claimant further indicated that before the Second World War, her father, [REDACTED], traveled to Switzerland twice a year to make bank deposits. The Claimant stated that during the Second World War, her cousin was required to work for the Nazi-allied Hungarian army, and that he was later deported to a forced labor camp in Germany. The Claimant further indicated that in 1961 her cousin emigrated to Israel, where he died in 1997.

¹ In addition to claiming the published account of Mihai Popovici, Claimant [REDACTED] (the “Claimant”) indicated that her father, Arthur Popovici (or Popovich), held a Swiss bank account. The CRT did not locate an account belonging to the Claimant’s relative, Arthur Popovici (or Popovich), in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

In her 25 March 2003 telephone conversation with the CRT, the Claimant indicated that her cousin is survived by his wife and two sons, all of whom live in Israel, but that she is unable to locate them. The Claimant submitted documents, including: her own birth certificate, issued in Borsa in 1924, and her marriage certificate, dated in 1945, both indicating that her maiden name is [REDACTED].

The Claimant indicated that she was born on 1 May 1924 in Borsa.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database and lists of dormant accounts, including a list created by the Bank for the List of Dormant Assets of Swiss Bank Clients published by the Swiss Bankers' Association in October 1997. In these records, the Account Owner, Mihai Popovici, was included in a list of clients of unknown nationality residing in Switzerland. However, although the Bank included the Account Owner on a list of domestic Swiss accounts,² the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi persecution pursuant to instructions from the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not consider this to constitute conclusive evidence that the Account Owner actually resided in Switzerland. The auditors, therefore, reported the Account Owner's residence as unknown.

The Bank's records indicate that the Account Owner held a safe deposit box, numbered 1818, which was rented on 12 June 1939. According to the auditors who carried out the ICEP Investigation, there is no evidence of activity on this account after 1945. According to the Bank's records, Bank employees forcibly opened the safe deposit box on 5 June 1989, at which time the value of its contents was determined to be 53,625.00 Swiss Francs ("SF"). The Bank's records do not reveal the nature of the contents of the safe deposit box. These records further indicate that when the safe deposit box was opened, SF 1,828.95 was taken from it in order to cover rental fees owing since 12 June 1985 and possibly to cover fees up to some time in the future. According to these records, the account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's cousin's name matches the published name of the Account Owner. The CRT notes that the auditors who carried out the ICEP Investigation indicated that the Account Owner's residence is unknown, and therefore, that the Bank's records do not contain any specific information about the Account Owner other than his name. There are no other claims to this

² The Account Owner appears on a list prepared by the Bank on 15 September 1997 entitled *Liste Vermögenswerte inländischer Kunden (Inkl. Nat./Dom. unbek.)* "List of assets of domestic customers (includes unknown nationality/domicile)."

account currently before the CRT.³ 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 was Jewish, that he was forced to work for the Nazi-allied Hungarian army and was later deported to a forced labor camp in Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information demonstrating that her own father and the Account Owner's father were brothers. The Claimant submitted her own birth and marriage certificates, providing independent verification that her paternal relatives had the same surname as the Account Owner.

The CRT notes that the Claimant stated that the Account Owner is survived by his wife and two children, but that she has no contact with them and is not representing them. There is no information to indicate that the Account Owner has other heirs who submitted a claim to the CRT.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account remains open and dormant.

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 cousin, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner or his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held a safe deposit box. The Bank's records indicate that the value of its contents as of 5 June 1989 was SF 53,625.00, and that, when the safe deposit box was forcibly opened on 5 June 1989, SF 1,825.95 was taken from it in order to cover rental fees owing since 12 June 1985 and possibly to cover fees up to some time in the future. The records therefore indicate that fees had been paid for the safe deposit box from 1945 through 12 June 1985. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment

³ The Bank's records indicate that two previous claims to this account were submitted to the Swiss Bankers' Association following the account's publication on the List of Dormant Assets of Swiss Bank Clients in October 1997. The outcome of those claims was unknown at the time of the ICEP Investigation. There is no indication that the claims to this account were recognized and paid out.

of SF 1,205.00, which reflects standardized bank fees charged for a safe deposit box between 1945 and 1985. Consequently, the adjusted balance of the account at issue is SF 54,830.00. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 685,375.00.

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
28 June 2006