

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2], [REDACTED 3] and [REDACTED 4]

in re Account of Serge Rubinstein

Claim Number: 215342/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Serge Rubinstein (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 father, Serge (or Lazare) Rubinstein (also spelt as Roubinschtein), who was born on 7 January 1897 in Paris, France. The Claimant stated that his father was married to [REDACTED], née [REDACTED], with whom he had two children, the Claimant, who was born in Paris on 2 June 1924 and [REDACTED 2], who was born in Montargis, France on 10 September 1939. The Claimant indicated that his father was a furniture salesman and a cinema director who lived at 2, boulevard Jules-Ferry in Paris from 1936 to 1940. The Claimant explained that his father, who was Jewish, was deported to Drancy on 20 August 1941, and that he was released for medical reasons in November 1941. The Claimant further explained that his father went into hiding in 1942 or 1943 until he fled to Spain; and that while in Spain his father was interned until 1945, at which time he returned to France. The Claimant added that his father died on 10 September 1993 in Tours, France.

In support of his claim, the Claimant submitted documents, including a document issued by a notary public indicating that the Claimant, his brother, and their mother are Serge Rubinstein’s sole heirs; letters sent to his father by relatives showing that the Claimant’s father was referred to as Serge Rubinstein; a postcard addressed to his relative, *Madame* (Mrs.) [REDACTED], while she was interned in Drancy; his father's passport issued in Casablanca, Morocco (then the French Protectorate of Morocco); a transportation order issued by the French Provisional government on 9 April 1945, indicating that the Claimant's father's last name was spelled "Rubinstein"; a

document issued by the French Ministry of Justice on 20 June 1961 authorizing the Claimant to change his last name to “[REDACTED 1]”; and his own birth certificate stating that he was born to Lazare Roubinshtein and [REDACTED], née [REDACTED], in Paris, on 2 June 1924. The Claimant is representing his brother, [REDACTED 2] who was born on 10 September 1939 in Montagris, France, his wife, [REDACTED 4], née [REDACTED], and his sister-in-law, [REDACTED 3], née [REDACTED].

Information Available in the Bank's Records

The Bank's records consist of a list of suspended accounts and internal bank documents referring to suspended and closed accounts. According to these records, the Account Owner was Serge Rubinstein, who resided in Paris, France. The Bank's records indicate that the Account Owner held an account of unknown type. The Bank's records also indicate that the last contact with the Account Owner was on 15 July 1930. The Bank's records further indicate that the account was transferred to a suspense account for dormant assets on 26 June 1946. The amount in the account on the date of its transfer was 4.00 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of his claim, the Claimant submitted documents, including a document issued by a notary public indicating that the Claimant, his brother, and their mother are Serge Rubinstein's sole heirs; letters sent to his father by relatives showing that the Claimant's father was referred to as Serge Rubinstein; his father's passport issued in Casablanca, Morocco (then the French Protectorate of Morocco); a transportation order issued by the French Provisional government on 9 April 1945, stating that the Claimant's father's last name was spelled "Rubinstein"; a document issued by the French Ministry of Justice on 20 June 1961 authorizing the Claimant to change his last name to “[REDACTED 1]”; and his own birth certificate stating that he was born to [REDACTED] and [REDACTED], née [REDACTED], in Paris, on 2 June 192, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city and country recorded in the Bank's records as the name, and city and country of residence of the Account Owner.

The CRT notes that the name Serge Rubinstein appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. 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, who was Jewish, was deported to Drancy on 20 August 1941, and that he was released for medical reasons in November 1941. The Claimant also stated that his father went into hiding in 1942 or 1943 until he fled to Spain, where he was interned until 1945.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account owner was his father. These documents include, an inheritance document issued by a notary public indicating that the Claimant and his brother are the children of Lazare Raimbaud, a document issued by the French Ministry of Justice on 20 June 1961 authorizing the Claimant to change his last name from Rubinstein to [REDACTED 1], and letters sent to his father by relatives showing that the Claimant's father was referred to as Serge Rubinstein.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a collective account for dormant assets, where it 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 Governing the Claims Resolution Process, as amended (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 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 was 4.00 Swiss Francs as of 26 June 1946. 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.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his brother, [REDACTED 2], his wife, [REDACTED 4], née [REDACTED], and his sister-in-law, [REDACTED 3], née [REDACTED]. The CRT notes that the Claimant and his brother, as the Account Owner's sons, have a better entitlement to the account than [REDACTED 4], née [REDACTED], and [REDACTED 3], née [REDACTED]. Accordingly, the Claimant and his brother are each entitled to receive one-half of the total award amount.

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
28 May 2004