

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant René Silvera¹
also acting on behalf of Giosia Emilio Pinto

in re Accounts of Raphael S. Silvera

Claim Number: 221809/HS²

Award Amount: 222,091.25 Swiss Francs

This Certified Award is based upon the claim of René Silvera (the “Claimant”) to the published accounts of Raphael S. Silvera (the “Account Owner”) at the Basel branches of [REDACTED] (the “Banks”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form indicating that his paternal grandfather was Raphael Silvera, who was married to Mazal Silvera, née Esses, and had three children: Elie Raphael Silvera, who was born in 1878 in Alep, Syria; Giuseppe Silvera, who was the Claimant’s father; and Ruth Pinto, née Silvera, who was the mother of represented party Giosia Emilio Pinto. The Claimant indicated that his family was Jewish, and that his uncle, Elie Silvera, who formerly resided in France, was forced to flee from the Nazis during the Second World War.

The Claimant indicated that he was born on 6 February 1925 in Cairo, Egypt. The Claimant represents his cousin, Giosia Emilio Pinto, who was born on 19 April 1915, also in Cairo.

The Claimant submitted a family tree, indicating that his grandfather was Raphael Silvera; his own passport, indicating that his surname is Silvera; as well as various documents pertaining to Elie Silvera, indicating his surname, and that he held an account at a Swiss bank.³ The Claimant’s wife, Sarina Silvera, submitted the Claimant’s death certificate, indicating that the

¹ The Claimant’s wife, Sarina Silvera, informed the CRT that the Claimant passed away in March 2002. Sarina Silvera submitted the Claimant’s death certificate and inheritance documents. Therefore, this Award is to the Claimant’s Estate.

² Based on documents the Claimant submitted with Claim Number 221809, the Court approved an award to the Claimant for the unpublished account of E.R. Silvera on 10 September 2004.

³ These documents served as the basis for the Award mentioned in note 2 *infra*.

Claimant passed away in March 2002, and that his father was Giuseppe Silvera. In a telephone conversation with the CRT on 3 June 2004, Sarina Silvera stated that she does not know of anyone in her husband's family who could provide more information about Raphael Silvera.

Information Available in the Banks' Records

The Banks' records consist of lists of accounts, a document relating to the 1962 survey of accounts dormant since 9 May 1945 and held by foreigners or stateless persons known or presumed to have been victims of racial, religious, or political persecution, and printouts from the Banks' database. According to these records, the Account Owner was Raphael S. Silvera, who resided in Alep, Syria.

The Banks' records indicate that the Account Owner held one demand deposit account and one custody account. These records do not indicate the opening dates of the accounts. According to these records, as of 1 September 1963, the amount in the demand deposit account was 4,007.30 Swiss Francs ("SF") and the amount in the custody account was SF 3,015.00. The Banks' records indicate that the accounts at issue remain open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published first and last names of the Account Owner. Furthermore, the Claimant indicated that at least one of the Account Owner's children was born in Alep, providing evidence that the Account Owner himself formerly resided in Alep, which is the published residence of the Account Owner. The CRT notes that the Banks' records do not contain any specific information about the Account Owner other than his name and city of residence. The CRT also notes that the name Raphael S. Silvera appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that there are no other claims to these accounts. Taking all of these factors into account, the CRT determines that the Claimant has plausibly identified the Account Owner.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim or Target of Nazi Persecution. The Claimant stated that the Account Owner's family was Jewish and that his son, Elie Silvera, was forced to flee from Nazi-occupied France.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting information and a family tree, demonstrating that the Account Owner was his paternal grandfather. Additionally, the Claimant submitted his passport and the Claimant's wife

submitted the Claimant's death certificate, indicating that the Claimant had the same surname as the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs who filed claims, other than the party who the Claimant is representing.

The Issue of Who Received the Proceeds

The Banks' records indicate that the accounts remain open and dormant.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant and represented party Giosia Emilio Pinto. 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 grandfather and represented party Giosia Emilio Pinto's grandfather, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner or his heirs received the proceeds of the claimed accounts.

Amount of the Award

The Banks' records indicate that the value of the demand deposit account as of 1 September 1963 was SF 4,007.30. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 760.00, which reflects standardized bank fees charged to this account between January 1945 and September 1963. Consequently, the adjusted balance of the demand deposit account is SF 4,767.30. The current value of this amount 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 59,591.25.

The Banks' records indicate that the value of the custody account as of 1 September 1963 was SF 3,015.00. In accordance with Article 31(1) of the Rules, the amount in the custody account is increased by an adjustment of SF 950.00, which reflects standardized bank fees charged to the account between January 1945 and September 1963. Consequently, the adjusted balance of the custody account is SF 3,965.00. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. The current value of this amount 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 an amount of SF 162,500.00.

Thus, the total award amount is SF 222,091.25.

Division of the Award

According to Article 23(c)(1) 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 cousin,

Giosia Emilio Pinto. Accordingly, the Claimant and his cousin 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 Special Masters.

Claims Resolution Tribunal
10 December 2004

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