

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Mariam Stefanescu and Simion Stefanescu

Claim Number: 221419/SA

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Mariam Stefanescu and Simion Stefanescu (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 Claimants

The Claimant submitted a Claim Form identifying the Account Owners as her mother’s first cousin, Mariam Eva-Hawa Stefanescu, née Stefanescu, who was born around 1903 in Bucharest, Romania, and her husband Simion Stefanescu, who was born around 1899, but whose place of birth is unknown. The Claimant stated that Mariam and Simion Stefanescu, who were Jewish, were married sometime in the early 1930s and resided in Bucharest. The Claimant indicated that Mariam Stefanescu was a housewife, and that Simion Stefanescu had studied law and was a journalist by profession. The Claimant stated that Mariam Stefanescu, who was very wealthy, often visited the Claimant’s family in Czernowitz, Romania, and frequently traveled to destinations outside Romania, including Switzerland, where the Claimant believes Mariam and Simion Stefanescu may have opened a bank account in the late 1930s. According to the Claimant, Mariam and Simion Stefanescu were deported along with many other Romanian Jews, and were killed at some time in 1941. The Claimant indicated that she was born on 19 August 1928 in Czernowitz.

Information Available in the Bank Record

The bank record consists of an account opening card. According to this record, the Account Owners were Mariam Stefanescu and Simion Stefanescu, who opened a joint demand deposit account in Swiss Francs on 27 July 1937. This record indicates that the Bank was instructed in a letter dated 12 December 1938 to send correspondence to the address of Account Owner Simion

Stefanescu at Alaca Modragau 13, Parcul Filipescu, in Bucharest, Romania. This record also indicates that at some point account correspondence was being held by the Bank instead of being sent to the Account Owner's correspondence address, for which fees were charged by the Bank. Finally, the record indicates that the account was frozen on 20 August 1948 in the Swiss Freeze of Romanian assets, and it was closed on 31 December 1983 by the Bank to profit and loss, with negative balance of 22.00 Swiss Francs.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. The match is supported by the unique family name of the Account Owners, and by the fact that two people with the same family name married. The Claimant's relatives' names and place of residence match the published names and place of residence of the Account Owners. Although the Account Owners were published separately on the 5 February 2001 list of bank accounts identified as belonging to Victims of Nazi Persecution by the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), the Claimant identified a connection between the Account Owners, which matches unpublished information about the Account Owners contained in the bank records. Finally, the Claimant stated that her relatives may have opened a Swiss account in the late 1930s, which also matches unpublished information about the account's opening date of 1937 contained in the bank records.

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 Owners were Jewish, and that the Account Owners were deported and killed.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owners by providing information demonstrating that her mother and one of the Account Owners were cousins. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the account balance was reduced by bank fees and was closed to bank profits on 31 December 1983.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that

the Account Owners were her mother's cousin and her mother's cousin's husband, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

The bank records indicate that the demand deposit account had a negative balance of 22.00 Swiss Francs as of 31 December 1983. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 25,680.00 Swiss Francs.

Initial Payment

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 65% of the Certified Award, and the claimant may receive a second payment of up to 35% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 65% of the total award amount is 16,692.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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

31 December 2002