

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

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

and to Claimant [REDACTED 5]
also acting on behalf of [REDACTED 6], [REDACTED 7], [REDACTED 8],
[REDACTED 9], [REDACTED 10], and [REDACTED 11]

in re Accounts of Irène Braslavsky

Claim Numbers: 219485/AV; 222576/AV

This Certified Denial is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 5] (“Claimant [REDACTED 5]”) (together the “Claimants”) to the published accounts of Irène Braslavsky (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).¹

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

The Claimants submitted substantially similar Claim Forms, identifying the Account Owner as their great-grandmother, Irène Braslavsky, née Dobry, who was born on 4 October 1868 in Kiev, Russia (today the Ukraine), and was married to [REDACTED]. The Claimants stated that their great-grandmother, who was Jewish, had three children: [REDACTED], who was born in 1889 in Kiev; [REDACTED] (Claimant [REDACTED 1] s paternal grandfather), who was born on 10 May 1891 in Kiev; and [REDACTED], née [REDACTED] (Claimant [REDACTED 5] s paternal grandmother), who was born on 17 January 1900 in Kiev. The Claimants indicated that their great-grandmother s brother was a banker in Kiev, who traveled frequently to Switzerland, where he may have opened accounts on behalf of his sister. They also indicated that their great-grandmother and her family often traveled to Switzerland on vacation. According to the

¹ The CRT notes that, 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 (the “ICEP list”), Irène Braslavsky is indicated as having six accounts. Upon careful review, the CRT has concluded that the Bank’s record evidence the existence of seven accounts.

Claimants, their great-grandmother left Kiev after the Russian Revolution and settled in Paris, France, where she resided at 34 rue Mazarine until the death of her husband in 1936. The Claimants stated that their great-grandmother then resided with her son [REDACTED] in Paris until 1940, when she and her son fled to the unoccupied French zone, where they lived in several different places. The Claimants stated that at the end of the Second World War, their great-grandmother returned to Paris, where she died on 27 September 1949.

The Claimants submitted documents in support of their claim, including: their great-grandmother's death certificate, identifying her as Irène Braslavsky, née Dobry, and indicating that she was born in Kiev and lived in Paris. Claimant [REDACTED 1] submitted her grandfather's death certificate, identifying him as [REDACTED] and indicating that he was born in Kiev and lived in Paris; her father's marriage certificate, identifying him as [REDACTED] and indicating that he was [REDACTED]'s son; and her family's family booklet (*livret de famille*), identifying Claimant [REDACTED 1] as [REDACTED]'s daughter. Claimant [REDACTED 5] submitted her family's family booklet, identifying her father as [REDACTED] and indicating that he was born in Kiev and that his mother was [REDACTED].

Claimant [REDACTED 1] indicated that she was born on 20 August 1959 in Paris. Claimant [REDACTED 1] is representing her mother, [REDACTED 2], née [REDACTED], who was born on 19 February 1934 in Bois-Colombe, France; and her sisters, [REDACTED 3], née [REDACTED], who was born on 6 August 1957 in Paris, and [REDACTED 4], who was born on 18 June 1963. Claimant [REDACTED 5] indicated that she was born on 8 January 1946 in Castres-Tarn, France. Claimant [REDACTED 5] is representing her brothers, [REDACTED 6], who was born on 19 March 1949 in Paris, and [REDACTED 7], who was born on 29 March 1952 in Boulogne-Billancourt, France; her nephews, [REDACTED 8], who was born on 15 March 1969 in New York, New York, the United States, and [REDACTED 9], who was born on 12 July 1973 in New York; and her cousins, [REDACTED 10], who was born on 11 October 1950 in New York, and [REDACTED 11], who was born on 16 October 1952 in New York.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Mme.* (Mrs.) Irène Braslavsky, née Dobry, who resided in Oxford, England, Paris, France and in Lausanne, Switzerland. The Bank's record indicates that the Account Owner informed the Bank on 5 August 1947 that she was a Russian refugee. The Bank's record further indicates that the Account Owner held seven accounts: a demand deposit account denominated in Swiss Francs, which was opened on 16 December 1933 and closed on 18 November 1949; a demand deposit account denominated in British Pounds (“£”), which was opened on 3 December 1937 and closed on 24 September 1942; a demand deposit account denominated in United States Dollars (“US \$”), which was opened on 6 January 1938 and closed on 2 September 1947; a custody account, numbered 3079, which was opened on 18 June 1938 and closed on 24 November 1949; a demand deposit account denominated in Canadian Dollars (“CAD”), which was opened on 13 January 1943 and closed on 28 July 1948; a demand deposit account, denominated in United States Dollars and numbered 13125, which was opened on 8 July 1943 and closed on 19 January 1948; and a demand deposit account denominated in United States

Dollars, which was opened on 5 August 1947 and closed on 19 January 1948. The Bank's record does not indicate the value of these accounts.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Identification of the Account Owner

The Claimants have plausibly identified the Account Owner. The Claimants' great-grandmother's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimants identified the Account Owner's country of origin, which matches unpublished information about the Account Owner contained in the Bank's record. In support of their claim, the Claimants submitted documents, including their great-grandmother's death certificate, identifying her as Irène Braslavsky, née Dobry, and indicating that she was born in Kiev and lived in Paris, providing independent verification that the person who is claimed to be the Account Owner had the same name and country of origin and resided in the same city recorded in the Bank's record as the name, country of origin, and city of residence of the Account Owner. The CRT notes that the other claim to these accounts was disconfirmed because that claimant provided a different country of origin than the country of origin of the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants stated that the Account Owner was Jewish, and that she fled from Paris to the unoccupied French zone.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimants' great-grandmother. The CRT notes that the Claimants identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimants submitted a copy of their great-grandmother's death certificate. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Moreover, the CRT notes that Claimant [REDACTED 1] submitted a copy of her grandfather's death certificate, identifying him as Alexandere Braslavsky and indicating that he was born in Kiev and lived in Paris, and that Claimant [REDACTED 5] submitted a copy of her family's family booklet, identifying her grandmother as [REDACTED]

and indicating that her father was born in Kiev, which provide independent verification that the Claimants' relatives bore the same family name as the Account Owner and that they resided in Russia and Paris. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they have asserted in their Claim Forms.

There is no information to indicate that the Account Owner has surviving heirs, other than the parties whom the Claimants are representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owner held a custody account, which was closed on 24 November 1949, and six demand deposit accounts, two of which were closed on 19 January 1948, and the rest of which were closed on 24 September 1942, 2 September 1947, 28 July 1948, and 18 November 1949.

The Bank's record indicates that the Account Owner opened accounts before, during, and after the Second World War. In particular, the Bank's record indicates that the Account Owner opened three demand deposit accounts on 13 January 1943, 8 July 1943, and 5 August 1947. The Bank's record also indicates that the Account Owner informed the Bank that she was a Russian refugee on 5 August 1947. The CRT notes that the activity on the accounts during and after the Second World War, including the opening of new accounts, indicates that the Account Owner was in contact with the Bank and was able to access and manage her accounts during and after the War. Therefore, the CRT concludes that the Account Owner closed the claimed accounts and received the proceeds herself.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
6 May 2006