

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]
represented by Maya Tawil

in re Accounts of Marcel Marcovici

Claim Number: 204609/SB

This Certified Denial is based on the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published accounts of Marcel Marcovici (the “Account Owner”) at the [REDACTED] (the “Bank”).¹

All denials 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 asserting that her brother, Marcel Marcovici, who was born in 1908 in Botosani, Romania, and was married to [REDACTED], owned a Swiss bank account. The Claimant stated that her brother, who was Jewish, was studying in Berlin, Germany in the early 1930s and in 1934 fled Germany, returning to Romania, where he resided in Bucharest and worked as an engineer. The Claimant’s representative stated in a telephone conversation on 10 January 2002 that the Claimant’s brother remained in Romania until the 1970s, when he emigrated to Israel, and that he died in Israel in 1979 or 1980. The Claimant stated that she was born on 30 May 1921 in Botosani.

The Claimant submitted documents in support of her application, including her passport and birth certificate, which indicate her place of birth and that her maiden name was [REDACTED].

Information Available in the Bank’s Records

The CRT notes that the Claimant submitted a claim to an account belonging to her relative, Marcel Marcovici. The auditors who carried out the investigation to identify accounts of

¹ The CRT has previously awarded the Claimant the account published as Marcel Marcovici [Bucharest, Romania] [1]. See *In re Account of Marcel Marcovici*, which was approved by the Court on 3 June 2003. This Denial is to the accounts published as Marcel Marcovici [Italy] [2].

Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) reported three accounts whose owners’ name matches that provided by the Claimant.² Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

Account 1008373 and 1008374

The Bank’s records indicate that the Account Owner was Marcel Marcovici, who resided in Italy. The Bank’s records also indicate the Account Owner’s city of residence, the dates of opening of both accounts at issue, and the date of closing of one of the accounts at issue.

The CRT’s Analysis

Admissibility of the Claim

The CRT has determined that the claim is admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

Identification of the Account Owner

The CRT concludes that the Claimant has not identified the Account Owner as her relative. Although the name of her brother matches the published name of the Account Owner, the information provided by the Claimant differs materially from the published and unpublished information about the Account Owner available in the Bank’s records. Specifically, the Claimant stated that her brother returned from Germany to Romania in 1934, where he remained until he emigrated to Israel in the 1970s. In contrast, the Bank’s records show that after the Claimant’s brother returned to Romania, the Account Owner resided in a city in Italy, a city and country to which the Claimant did not demonstrate any connection. Consequently, the CRT is unable to conclude that the Account Owner and the Claimant’s brother are the same person.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant 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 Claimant should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimant should identify the Account Identification Number that forms the basis of the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

² As noted above, the CRT has treated the Claimant’s claim to one of the accounts in the name of Marcel Marcovici. This denial concerns the two published accounts held by Marcel Marcovici [Italy].

Scope of the Denial

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.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
15 July 2005