

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Ana Moscovici

Claim Number: 207379/RS¹

This Certified Denial is based on the claim of [REDACTED] (the “Claimant”) to the published account of Ana Moscovici (the “Account Owner”) at the [REDACTED] (the “Bank”).

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 his aunt, Ana Moscovici, who was Jewish, owned a Swiss bank account. The Claimant indicated that Ana Moscovici was his father’s sister, and that his father, [REDACTED], resided in Bucharest, Romania prior to and during the Second World War. According to the Claimant, [REDACTED] opened a Swiss bank account in the name of his sister, Ana Moscovici. In correspondence with the CRT, the Claimant also stated that his father had told him that Ana Moscovici did not hold the bank account with any joint account owners. The Claimant indicated that he did not know any further details about the life of Ana Moscovici.

The Claimant indicated that he was born on 16 May 1945 in Bucharest, Romania.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Moritz Moscovici.

¹ The Claimant submitted an Initial Questionnaire (“IQ”) with the Court in 1999 and a Claim Form to the CRT. The CRT is treating the IQ and the Claim Form under the consolidated Claim Number 207379. In the IQ, the Claimant claimed an account belonging to Moritz Moscovici. The CRT did not locate an account belonging to Moritz Moscovici in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should note that this determination relates only to the Claim Number and Claimed Account Owners stated above, and that the CRT is aware that the Claimant may have submitted other claims.

Information Available in the Bank's Record

The CRT notes that the Claimant submitted a claim to an account belonging to his relative, Ana Moscovici. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported one account, for which one of the owner's names matches that provided by the Claimant.

The 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 4020020

The Bank's record indicates that there were four account owners, one of whom was Ana Moscovici, who resided in Bucharest, Romania. The Bank's record further indicates that the four account owners were closely related, and that correspondence regarding the account should be sent to an individual, who was also related to the four account owners, who resided in a different country.

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 Account Owner Ana Moscovici

The CRT concludes that the Claimant has not identified Account Owner Ana Moscovici as his relative. Although the name of his aunt matches the published name of one of the account owners, the information provided by the Claimant differs from the unpublished information about that account owner available in the Bank's record. Specifically, the Claimant stated that his father told him that Ana Moscovici did not hold the account with any joint account owners. In contrast, the Bank's record shows that account owner Ana Moscovici held the account with three joint account owners, who were closely related to her. In addition, the Claimant failed to identify any of the other three joint account owners, and also failed to identify the contact person for the account, or the country in which that person resided. Consequently, the CRT is unable to conclude that account owner Ana Moscovici and the Claimant's relative are the same person.

Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimant may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimant should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

Scope of the Denial

The CRT now considers the Claimant's claim to the account of Ana Moscovici closed. Please note that this decision applies only to the Claim Number and Claimed Account Owner identified herein, and that the CRT is aware that the Claimant may have claimed accounts held by other persons or entities both in the Claim Number specified above and in other claims submitted to the CRT.

Certification of the Denial

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal
24 May 2009