

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Paul Dimitriu
also acting on behalf of Mircea Dimitriu

in re Account of Jorgu Dimitriu

Claim Number: 214778/VB

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Paul Dimitriu (the “Claimant”) to the account of Jorgu Dimitriu (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

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 identifying the Account Owner as his father, Jorgu Dimitriu, who was born on 1 March 1889 in Beresti, Romania, and married to Maria Bogdan in Bucharest, Romania, on 21 February 1919. The Claimant stated that Jorgu and Maria Dimitriu had two children: the Claimant, who was born on 21 May 1920, and the Claimant’s brother, Mircea Dimitriu, whom the Claimant is representing in these proceedings. The Claimant stated that his father, who was Jewish, was an accountant who lived throughout the Second World War in Bucharest and was imprisoned by the Nazis from 1940 to 1941. The Claimant stated that his father died in 1954 in Bucharest. The Claimant submitted a family tree and his birth certificate, demonstrating that his father’s name was Jorgu Dimitriu.

Information Available in the Bank Records

The Bank's records consist of extracts from the Bank’s ledger. According to these records, the Account Owner was Jorgu Dimitriu from Romania. The Bank's records indicate that the Account Owner held an account of unknown type. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves. The records indicate that the account was transferred to a suspense account on or before 12 April 1949. The amount in the account on the date of the transfer was 37.50 Swiss Francs.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant's father's country of residence also matches published information about the Account Owner contained in the Bank's records. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name and country of residence. In support of his claim, the Claimant submitted his birth certificate which demonstrates that his father's name was Jorgu Dimitriu. The CRT also notes that the name Jorgu Dimitriu appears only once on the February 2001 list of published accounts determined by the ICEP Investigation to be probably or possibly those of victims of Nazi persecution. The CRT also notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 Owner, who was Jewish, lived in Romania throughout the Second World War and was imprisoned by the Nazis from 1940 to 1941.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate, demonstrating that his father was Jorgu Dimitriu. There is no information to indicate that the Account Owner has surviving heirs other than the Claimant and his brother, whom the Claimant is representing.

The Issue of Who Received the Proceeds

Given the persecution of Jews in Romania and the confiscation of Jewish assets during the War, the Communist dictatorial regime after the War, and the fact that the Account Owner lived in Bucharest throughout the Second World War, was imprisoned by the Nazis, and died in Bucharest in 1954, as well as the application of Presumptions (h), (i) and (j), as provided in Article 28 (see Appendix A) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank's records indicate that the value of the account as of 12 April 1949 was 37.50 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of an unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Division of the Award

According to Article 23 of the Rules, an award shall be in favor of any descendants of the Account Owner who have submitted a claim in equal shares by representation. The Claimant is representing his brother in these proceedings. Therefore, the Claimant and his brother are both 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 the Special Masters.

Claims Resolution Tribunal
June 3, 2003