

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Lev-Arieh Zalman Orliansky

in re Account of Georges Joffe

Claim Number: 215046/AA¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Lev-Arieh Zalman Orliansky (the “Claimant”) to the account of Georges Joffe (the “Account Owner”) at the Zurich 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 uncle, Georges (Gershen) Joffe, who was born in 1880 in Germany, and was married to Minna Joffe, née Hirschowitch, in 1920 in Memel (Klaipeda), Lithuania. According to the Claimant, Georges and Minna Joffe had one child, Feyga Joffe, who was born in Memel in 1922. The Claimant indicated that his uncle was a successful investor who owned several businesses, and who traveled throughout Europe on business, and resided from approximately 1920 until 1939 at Badenstrasse 6 in Memel. The Claimant stated that his uncle traveled quite often to Switzerland on business, and that his uncle told him that in order to keep his money secure from the Nazis after 1935, he transferred funds from his investments to banks in Switzerland. According to the Claimant, after the Nazi occupation of Memel in 1939, his uncle and his family, who were Jewish, fled to Kovno, Lithuania, and that two years later in 1941, when the Nazis occupied Kovno, Georges Joffe and his wife and child were confined to the Kovno Ghetto, where they perished later that same year. The Claimant stated that he was born on 7 July 1913 in Plunge, Lithuania.

The Claimant submitted three Initial Questionnaires in 1999. In the first Initial Questionnaire, the Claimant claimed the accounts of his mother, Rohl Orliansky, née Hirschowitch, and his sister, Dora Orliansky, who were both killed during the Nazi occupation of Plunge, Lithuania, in

¹ The Claimant submitted two additional claims to the accounts of Aaron Lipman and Rohl Orliansky, which are registered under the Claim Numbers 214629 and 215109. The CRT will treat the claims to these accounts in separate decisions.

1941. In the second Initial Questionnaire, the Claimant claimed the accounts of his sister, Rosa Lipman, née Orliansky, who was killed by the Nazis in 1941, in Telshay, Lithuania, along with her husband and two children. In the third Initial Questionnaire, the Claimant claimed the accounts of his aunt, Minna Joffe, née Hirschowitz, and the Claimant stated that the Account Owner had assured his aunt that they had money safely deposited with a Swiss bank.

Information Available in the Bank's Record

The Bank's record consists of an account closing statement. According to this record the Account Owner was Georges Joffe. The Bank's record indicates that Georges Joffe held an account, numbered 61865, but the record does not indicate what type of account he held, nor does it indicate the value of the account. The record shows that the account was closed by the Bank to profit and loss on 30 June 1948.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT also notes that the Claimant filed three Initial Questionnaires with the Court in 1999. In one Initial Questionnaire, he asserted his entitlement to a Swiss bank account owned by the Account Owner's wife and mentioned the Account Owner, prior to the publication in February 2001 of the 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"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a family relationship that was known to him before the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT further notes 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 was Jewish, and that after the Nazi occupation of Lithuania, his uncle, together with his family, was confined to the Kovno Ghetto in Lithuania, where they all perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting information that his aunt was married to the Account Owner. There is no information before the CRT to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the account at issue was closed on 30 June 1948 as a result of the Bank taking the balance of the account into its profits.

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 uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of an account of an unknown type was 3,950.00 Swiss Francs. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 49,375.00 Swiss Francs.

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
August 7, 2003