

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Léon Oser

Claim Number: 205676/MI

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Léon Oser (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

All awards 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, identifying the Account Owner as her father, Leib (Léon) Ozer (Oser), who was born in approximately 1895 in Lithuania and was married to [REDACTED]. The Claimant indicated that her father, who was Jewish, was a merchant who traveled frequently to East Prussia and Switzerland. The Claimant further indicated that her family resided in Lithuania until the summer of 1941, when her parents were arrested and murdered. The Claimant indicated that her parents had two children: [REDACTED] (her sister), who is deceased, and herself.

The Claimant submitted documents in support of her claim, including copies of: (1) her birth certificate, indicating that her father was Lev Ozer, and (2) a certificate sent to her sister, [REDACTED], from the Central State Archive in the Soviet Republic of Lithuania, dated 15 March 1982, indicating that the Claimant’s sister’s father was Leibas Ozeris, and that he was shot and killed in 1941.

The Claimant indicated that she was born on 15 September 1932 in Vilna, Lithuania.

The Claimant previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Leib Ozer.

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Léon Oser, who used an address in Basel, Switzerland. The Bank's records indicate that the Account Owner held a demand deposit account.

The Bank's records indicate that the account was transferred to a suspense account on 19 June 1959, as of which date it had a balance of 15.75 Swiss Francs ("SF"). The Bank's records indicate that this balance was later closed to the Bank's profit and loss account on 30 September 1993.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name substantially matches the published name of the Account Owner.¹ The CRT notes that the Claimant indicated that her father resided in Lithuania, but that he traveled to Switzerland; the CRT determines that it is plausible that the Claimant's father opened an account using a temporary or business address in Basel, the published city of residence of the Account Owner.

In support of her claim, the Claimant submitted copies of documents, including her birth certificate, and a certificate from the Central State Archive in the Soviet Republic of Lithuania, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the name Léon Oser appears only once 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").

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Leib Ozer, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT 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.

¹ The CRT notes that Leib, Lev and Leibas are all variations of the name Léon, and that Ozer and Ozeris are the Hebrew and Lithuanian equivalents, respectively, of Oser.

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 he was arrested and murdered by the Nazis in 1941. The Claimant also submitted a copy of a certificate from the Central State Archive in the Soviet Republic of Lithuania, indicating that Leibas Ozeris was shot and killed by the Nazis in 1941.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include a copy of her birth certificate, indicating that her father was Lev Ozer. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account on 19 June 1959 and later closed to the Bank's profit and loss account on 30 September 1993.

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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Third, 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 demand deposit account. The Bank's records indicate that the value of the account as of 19 June 1959 was SF 15.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 225.00, which reflects standardized bank fees charged to the account between 1945 and 1959. Consequently, the adjusted balance of the account at issue is SF 240.75. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 26,750.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
15 November 2007