

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1],

[REDACTED 2],

and [REDACTED 3]

in re Account of J. Goldberg

Claim Numbers: 003189/AZ; 223177/AZ; 707852/AZ^{1,2}

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of [REDACTED], the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the account of [REDACTED], and the claim of [REDACTED 3] (“Claimant [REDACTED 3]”) (together the “Claimants”) to the account of [REDACTED]. This Award is to the published account of J. Goldberg (the “Account Owner”) at the [REDACTED] (the “Bank”).³

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

¹ Claimant [REDACTED 3] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered [REDACTED], to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number [REDACTED].

² Claimant [REDACTED 3] submitted one additional claim, which is registered under the Claim Number [REDACTED]. The CRT will treat this claim in a separate determination.

³ The CRT notes that, 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 Account Owner’s name is published as J. Goldberg. Upon careful review, the CRT has concluded that the Account Owner’s first initial, as written in the Bank’s record, may be either I or J.

Information Provided by the Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, [REDACTED 1], who was born in January 1900 in Przedborz, Poland, and was married to [REDACTED], née [REDACTED], on 8 January 1931 in Paris, France. Claimant [REDACTED 1] stated that her father, who was Jewish, was a textile merchant who lived in Paris. Claimant [REDACTED 1] further stated that her parents had three children: [REDACTED], [REDACTED], née [REDACTED], and Claimant [REDACTED 3]. Claimant [REDACTED 3] indicated that father was deported to the transit camp in Drancy, France, in 1942 and subsequently to Auschwitz, where he perished on 3 August 1942.

Claimant [REDACTED 3] submitted documents in support of her claim, including a judgment from a French court, indicating that [REDACTED] resided in Paris and perished in 1942, and a letter from a Polish Holocaust museum, indicating that [REDACTED] was transported from Drancy to Auschwitz in July 1942 and that he perished at Auschwitz.

Claimant [REDACTED 3] indicated that she was born on 9 March 1931 in Paris. Claimant [REDACTED 3] previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED].⁴

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her father, [REDACTED], who was born on 18 November 1908 in Lublin, Poland, and was married to [REDACTED], née [REDACTED], on 26 January 1937 in Saint-Ouen sur Seine, France. Claimant [REDACTED 2] stated that her father, who was Jewish, was a furrier who owned a shop in Paris. The Claimant further stated that her father lived in Paris and in Saint-Ouen. According to Claimant [REDACTED 2], her father remained in Paris during the Second World War. Claimant [REDACTED 2] indicated that her father died on 31 December 1972 in Paris.

Claimant [REDACTED 2] submitted documents in support of her claim, including her parents' marriage certificate, indicating that her father was [REDACTED] and that he lived in Paris; and a family book, issued by the French civil authorities, and her own marriage certificate, both indicating that [REDACTED] was Claimant [REDACTED 2]'s father.

Claimant [REDACTED 2] indicated that she was born on 27 January 1940 in Paris.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted an Initial Questionnaire in 1999, identifying the Account Owner as his father, [REDACTED], who was born in July 1898. Claimant [REDACTED 3] indicated that his father, who was Jewish, resided in Paris, where he owned a shop that produced men's clothing. Claimant [REDACTED 3] stated that his father's shop was looted by the Nazis,

⁴ The CRT will treat the claim to this account in a separate determination.

and that he was a slave laborer for a business that did tailoring for the Nazi regime. According to Claimant [REDACTED 3], his father survived the Second World War and died in Paris in 1978.

Claimant [REDACTED 3] indicated that he was born on 20 February, 1945 in Paris.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was either I. or J. Goldberg, who resided in Colombes sur Seine, France. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record further indicates that the account was closed on 16 December 1945. The Bank's record does not show to whom the account at issue was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or the Account Owner's heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the three claims of the Claimants in one proceeding.

Identification of the Account Owner

The first initial and surname of Claimant [REDACTED 1] father, Claimant [REDACTED 2]'s father, and Claimant [REDACTED 3]'s father match the first initial and surname of the Account Owner. The Claimants each indicated that their fathers resided in Paris. The CRT notes that Colombes sur Seine is located approximately ten kilometers from Paris. Therefore, the information provided by the Claimants is consistent with unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, Claimant [REDACTED 1] submitted documents, including a French court judgment, identifying her father as [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's record as the first initial and surname of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED] or [REDACTED], and indicates that his date of birth was 30 January 1900 and place of birth was Przedborz, Poland, that he lived in Paris, that he was married to [REDACTED], and that he was deported from Drancy to Auschwitz in July 1942, which matches the information about the Account Owner provided by Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

In support of her claim, Claimant [REDACTED 2] submitted documents, including her parents' marriage certificate, identifying her father as [REDACTED], providing independent verification that the person who is claimed to be the Account Owner had the same first initial and surname recorded in the Bank's record as the first initial and surname of the Account Owner.

The CRT notes that Claimant [REDACTED 3] filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by [REDACTED], prior to the publication in February 2001 of the list of accounts determined by Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that Claimant [REDACTED 3] 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 direct family relationship that was known to him before the publication of the ICEP List. It also indicates that Claimant [REDACTED 3] had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 3].

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, and Claimant [REDACTED 3]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's record; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's record; that there is no additional information in the Bank's record which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account was disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner was Jewish, that he was deported by the Nazis, and that he perished at Auschwitz. Claimant [REDACTED 1] also submitted documents, including a letter from a Polish Holocaust museum, indicating that the Account Owner was deported to Drancy and then to Auschwitz, where he perished. As noted above, a person named Isaac (Icyk) Goldberg was included in the CRT's database of victims.

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish and that he survived the Second World War in Nazi-occupied Paris.

Claimant [REDACTED 3] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, that his assets were looted by the Nazis, and that he was taken into forced labor by the Nazi regime.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was her father. The CRT notes that Claimant [REDACTED 1] identified unpublished information about the Account Owner as contained in the Bank's record, and that she also identified information which matches information contained in Yad Vashem's database. The CRT further notes that Claimant [REDACTED 1] submitted a copy of records relating to the Account Owner's death. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. Finally, the CRT notes that the information submitted by Claimant [REDACTED 1] is of the type that family members would possess and indicates that the Account Owner was well known to her as a family member, and all of this information supports the plausibility that she is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 2] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was her father. These documents include a Claimant [REDACTED 2]'s marriage certificate, indicating that the Account Owner was her father. There is no information to indicate that the Account Owner has other surviving heirs.

Claimant [REDACTED 3] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was his father. The CRT notes that Claimant [REDACTED 3] identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that Claimant [REDACTED 3] filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication in February 2001 of the ICEP List. Finally, the CRT notes that the information submitted by Claimant [REDACTED 3] is of the type that family members would possess and indicates that the Account Owner was well known to him as a family member, and all of this information supports the plausibility that he is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in France; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), 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 Claimants. First, their claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have each plausibly demonstrated that the Account Owner was his or her father, and those relationships justify an Award. Third, 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

In this case, the Account Owner held one demand deposit account. 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 ICEP's instructions (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). 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 SF 26,750.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] are each entitled to one-third of the Award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
23 June 2006