

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimants [REDACTED 1] and [REDACTED 2]

in re Accounts of Ella and Max Isakowitz

Claim Numbers: 207212/MBC; 207213/MBC; 300424/MBC; 300425/MBC

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Ella and Max Isakowitz (the “Account Owners”) at the Zurich 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 claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

Information Provided by the Claimants

The Claimants, who are siblings, each submitted two Claim Forms identifying the Account Owners as their paternal uncle and his wife, Max Isakowitz and Ella Isakowitz, née [REDACTED]. The Claimants stated that their uncle, who was a dentist, was born on 19 March 1882 in Königsberg, Germany, and was married to Ella Isakowitz, who was born on 13 November 1879 in Chemnitz, Germany. According to the Claimants, their uncle and aunt had no children. The Claimants further stated that the couple lived at Schönhauserallee 73 in Berlin, Germany, until 1942. In a telephone conversation with the CRT on 18 March 2002, Claimant [REDACTED 1] indicated that his uncle and aunt were Jewish, and that they perished in Auschwitz.

In support of their claims, the Claimants submitted documents, including their own birth certificates and an excerpt from a list of deported persons showing their uncle’s and aunt’s dates of birth, address, and that on 29 November 1942, Max and Ella Isakowitz were deported to Auschwitz, where they perished.

Claimant [REDACTED 1] and Claimant [REDACTED 2] stated that they were born in Marienwerder, Germany, on 15 February 1920 and 18 June 1917, respectively.

Information Available in the Bank's Record

The Bank's record consists of an account-opening card. According to this record, the Account Owners were Max Isakowitz and *Frau* (Mrs.) Ella Isakowitz, who resided in Berlin, Germany. The Bank's record indicates that the Account Owners held a demand deposit account and a custody account, numbered L 43778, which were opened on 31 May 1931 and 15 June 1931, respectively.¹ The demand deposit account was closed on 30 April 1933, and the custody account was closed on 2 May 1933. The amounts in the accounts on the dates of their closures are unknown. The Bank's record does not show to whom the accounts were paid. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts 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 four claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Their uncle's and aunt's names match the published names of the Account Owners. The Claimants identified their relatives' city of residence, which matches unpublished information about the Account Owners contained in the Bank's record. In support of their claims, the Claimants submitted documents, including their own birth certificates, showing that the Claimants' father's last name was Isakowitz. The CRT notes that the Bank's record does not contain any specific information about the Account Owners other than their names and place of residence.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Max Isakowitz and Ella Isakowitz, née [REDACTED], and indicates that the former was born on 19 March 1882 in Königsberg, Germany, and that the latter was born on 13 November 1879 in Chemnitz, Germany, which matches the information about the Account Owners provided by the Claimants. This database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that there are no other claims to these accounts.

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and that on 29 November 1942 they were deported to Auschwitz, where they perished. As noted above,

¹ The CRT notes that the Bank's record indicated that the Account Owners held an additional custody account, which was closed on 2 June 1932. That account is not within the jurisdiction of the CRT.

persons named Max Isakowitz and Ella Isakowitz, née [REDACTED], were included in the CRT's database of victims.

The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting their birth certificates and detailed biographical information, which matches information contained in the CRT's database of victims. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

With respect to the demand deposit account and the custody account, numbered L43778, given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owners' accounts were closed in April and May of 1933; that the Account Owners remained in Germany until 1942, when they were deported to Auschwitz, where they perished, and would not have been able to repatriate their accounts to Germany without their confiscation; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules (see Appendix A) and Appendix C,² the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or their 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, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owners were their uncle and aunt, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owners held one demand deposit account and one custody 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue is 15,140.00 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 189,250.00 Swiss Francs.

² Appendix C appears on the CRT II website -- www.crt-ii.org.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 1] and Claimant [REDACTED 2], who are siblings, are descendants of the Account Owners' parents. Consequently, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total 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
September 15, 2003