

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Paula Israelowitz

Claim Number: 788590/JG¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the published account of Paula Israelowitz 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 name 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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his mother’s brother’s wife, Esther (Paula) Israelovitch (Izraelovitch). The Claimant stated that his aunt, who was Jewish, was born on 4 January 1889, that she resided in Riga, Latvia, at Valdemara Str. 37 in apartment 23, and that she had one child, [REDACTED], who was born in 1923. The Claimant stated that his mother told him that his aunt deposited her family assets in a Swiss bank, possibly in an account held jointly with her son. The Claimant explained that his cousin [REDACTED] was arrested in July 1941 and that he may have perished in a concentration camp. The Claimant stated indicated that on 26 September 1941 his aunt was deported to the Riga ghetto, where she perished.

The Claimant indicated that he was born on 26 September 1928.

¹ [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0741095, 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 IQs 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 788590. The Claimant submitted one additional IQ, numbered ENG-0732095 and registered under the Claim Number 706104, for the account of Felix Israelovitch (Izraelovitch). In a decision dated 28 November 2007, the CRT treated the Claimant’s claim to this account.

Information Available in the Bank's Records

The CRT notes that 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 the “ICEP Investigation”) did not report an account belonging to either Esther or Paula Israelovitch (Izraelovitch) during their investigation of the Banks. The documents evidencing an account belonging to Paula Israelowitz were obtained from archival sources in Switzerland and are described in detail below.

Information Available in the Swiss Federal Archive

By Federal Decree of 20 December 1962 (the “Federal Decree”), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution (the “1962 Survey”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Paula Israelowitz, numbered 112.

According to these records, the Account Owner was *Frau* (Mrs.) Paula Israelowitz, who resided at W23, Waldemarstr. 37 in Riga, Latvia, as of 1932. These records further indicate that the Bank did not have contact with the Account Owner after the Second World War.

These records indicate that the Account Owner held one account, the type of which is not indicated. The records further indicate that as of 1 September 1963, the account contained 125.00 Pound Sterling (“£”), which was treated in the records as being equivalent to 1,510.00 Swiss Francs (“SF”). The records indicate that the assets were reported by the Bank as a doubtful case (*Zweifelsfall*) in the course of the 1962 Survey. A stamp on the documents warns that they were to be treated with special care, because the Account Owner was domiciled behind the Iron Curtain.

Furthermore, according to the archive records, the account at issue was reported by the Bank to the registration office for assets of missing foreigners at the Swiss Federal Justice Department on 27 February 1964; on 29 October 1965 it was reported by the Justice Department to the Cantonal Guardianship Authority of Basel-City (*Vormundschaftsbehörde Basel-Stadt*); on 2 December 1966 it was placed under the guardianship of Dr. H. Häberlin, a curator in the office for assets of missing foreigners; and on 7 April 1970, Dr. Häberlin notified a colleague at the Justice Department that proceedings regarding presumption of death (*Verschollenheitsverfahren*) should be implemented.

The Swiss Federal Archive records do not indicate the ultimate disposition of the account. There is no evidence in these records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's aunt's name matches the published name of the Account Owner.² The Claimant identified details of the Account Owner's residence including the country, city, street address and apartment number, which match unpublished information about the Account Owner contained in the 1962 Survey records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimony (and photographs) submitted by the Claimant in 1999, which indicate that Ester Paula Israelovitz, née Teles, was born on 4 January 1889, that she lived at Valdemara 37 in Riga before the Second World War, that she was married to [REDACTED], and that she had a son named [REDACTED].³ The 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 this account.

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 she was deported to the Riga ghetto, where she perished. As noted above, a person named Ester Paula Israelovitz was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that she was his maternal aunt by marriage. The CRT notes that the Claimant identified the Account Owner's unpublished street address. The CRT further notes that the Claimant submitted pages of testimony and photographs of the Account Owner and her son to Yad Vashem. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his IQ. There is no information to indicate that the Account Owner has other surviving heirs.

² The CRT notes that the Swiss Federal Archive records list the surname of the Account Owner as "Israelowitz," while the Claimant spelled his relative's surname as "Israelovitch" or "Izraelovitch." However, considering that the pronunciation in each case is identical, or nearly identical, the CRT finds these spelling variations to be insubstantial.

³ The CRT notes that the Claimant filled out the pages of testimony in Russian and Hebrew. The spelling of the surname in this case (Israelovitz) is an automatic transliteration into Latin letters.

The Issue of Who Received the Proceeds

According to the records from the Swiss Federal Archive, the account was registered in the 1962 Survey, which indicates that the account continued to exist at that date and that the Bank did not have any contact with the Account Owner after the Second World War. Given that the Account Owner perished in the Riga ghetto; that her account was registered in the 1962 Survey; that the account was still open in April 1970, when Swiss officials initiated presumption of death proceedings; that there is no record of payment of the Account Owner's assets to her; that the Account Owner's heirs would not have been able to obtain information about her 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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 maternal aunt by marriage, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Swiss Federal Archive's records indicate that the account had a balance of £125.00 as of 1 September 1963, which at the time was equivalent to SF 1,512.50.⁴ In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 1,797.50. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 his claims to determine whether there are additional Swiss bank accounts to

⁴ The CRT uses official exchange rates when making currency conversions.

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
23 June 2008