

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]  
represented by [REDACTED]

**in re Accounts of Paul Itzkin**

Claim Number: 210032/MBC<sup>1, 2</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”) to the accounts of Paul Itzkin (the “Account Owner”) 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 claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.<sup>3</sup>

## **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as her paternal uncle, Paul Itzkin, who was born on 1 January 1885 (20 December 1884 in the Julian calendar) in Riga, Latvia, and was never married. The Claimant stated that her uncle was an industrialist who worked for *Société Nordique de Commerce et d'Industrie* in Latvia at Liela Graninicku 7. The Claimant further stated that her uncle, who was Jewish, lived in Riga at Skolas 12a/7 until 8 April 1935, at Barona 37/ 6 until 1940, and at Skolas again until 31 July 1941, when he moved to Moskovskaya 39. The Claimant stated that her uncle was confined to the Riga ghetto in September 1941, and that her uncle died in the ghetto, most likely later that same year. The Claimant stated that she is her uncle’s only surviving relative.

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<sup>1</sup> The Claimant submitted additional claims to the accounts of David Itzkin, Zalman Movsha Itzkin, Rahel-Ita Lvovna Itzkin, and Beja Bukica-Beatrice Silbert, which are registered under the claim numbers 210025, 210026, 210028, 210033, and 211377, respectively. The CRT has treated the claims to these accounts in separate decisions.

<sup>2</sup> The Claimant submitted two Claim Forms, which were registered under the Claim Numbers 210027 and 210032. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated claim number 210032.

<sup>3</sup> The CRT Notes that on the published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution, Paul Itzkin is identified as owning two accounts. After careful review of the Bank’s records, the CRT has determined that one of the published accounts refers to the custody account awarded to the Claimant in the arbitration procedure described below.

In support of her claim, the Claimant submitted documents, including her birth certificate, indicating that she was born in Riga and that her father was [REDACTED]; her uncle's birth registration, entry number 577, and her father's birth registration, entry number 294, indicating that they were both born to [REDACTED] and [REDACTED]; an archival reference, issued in November 1997 in Latvia, which indicates the relationship between the Claimant's uncle and her father; her uncle's passport, issued in Riga on 27 March 1931; and a detailed family tree. The Claimant also submitted a letter from the Bank, dated 16 March 2001, noting 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") identified an account numbered 36926, which was later changed to number 236926, belonging to Mr. Paul Itzkin of Riga. The Bank noted that this account had been reported as dormant in an internal bank survey in 1959, and that the customer relationship at that time encompassed a demand deposit account with a balance of 27.50 Swiss Francs ("SF") and a custody account with a balance of SF 4,000.00. The Bank enclosed a document reflecting this information and noted that the account bore the same number as the one which it had already paid out to the Claimant (see discussion below). However, the Bank noted, the ICEP auditors were uncertain whether the account was the same one, and therefore it was republished as a closed account on the February 2001 list of account owner names (the "ICEP List").

The Claimant indicated that she was born on 30 May 1921 in Riga.

The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Paul Itzkin.

### **Procedure Before the Claims Resolution Tribunal for Dormant Accounts in Switzerland**

The Claimant submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Paul Itzkin. The Claimant's claim was reviewed by the Claims Panel of the Claims Resolution Tribunal for Dormant Accounts in Switzerland (the "Claims Panel") in an arbitration procedure (the "Arbitration").

In the Arbitration, the Bank submitted documents indicating that the Account Owner held a custody account, number 36926, in which 150.00 Pound Sterling ("£") in gold coins were deposited on 6 October 1933. These records indicate that the Account Owner also held a demand deposit account with a balance of 100.00 Swiss Francs ("SF") on 31 December 1935. The Bank's records indicate further that the custody account contained £110.00 in gold coins from 31 March 1937 until 1945. According to the Bank's records the balance of the demand deposit account was reduced each year by custody account maintenance fees, going from SF 95.00 as of 31 December 1936 to SF 9.00 as of 31 December 1943, and to a negative balance of SF 20.00 as of 31 December 1945. The Bank's records indicate that the gold coins in the custody account were gradually sold by the Bank between 1945 and 1997, with the proceeds transferred to the demand deposit account to finance the continued maintenance fees of the custody account. The Bank's records indicate further that the total balance of the assets held by the Account Owner as of 31 December 1997 was SF 6,454.00 (which was the equivalent of the remaining £50.00 in gold coins plus the balance of SF 604.00 in the demand deposit account).

The Claims Panel issued a partial award on 22 November 1999, in which it determined that the Claimant was entitled to the Account Owner's assets remaining in the account and ordered the Bank to transfer control of the assets in the amount of SF 6,454.00 to the Claimant. Subsequently, a final award was rendered by the Claims Panel on 29 December 2000, in which the Claims Panel recognized that the Account Owner was Jewish and a Victim of Nazi Persecution and ordered the Bank to transfer an award amount of SF 35,826.00, which was equivalent to the value of the custody account as of 31 December 1944 (SF 4,228.00) multiplied by a factor of 10 and reduced by the payment of SF 6,454.00 made to the Claimant pursuant to the partial award.

### **Information Available in the Bank's Records**

The Bank's records consist of an account opening contract; a list of dormant accounts; a form prepared by the Bank in preparation for the 1962 Survey of assets held in Switzerland by foreigners or stateless persons who were victims of racial, religious or political persecution (the "1962 Survey"); decisions issued by the Claims Panel in course of the Arbitration; and printouts from the Bank's database. According to these records, the Account Owner was Paul Itzkin, who resided in Riga, Latvia. The Bank lists the Account Owner's address as Barona iela N. 37/6 and Skolasicla (Schulenstrasse) 12a/7. The Bank's records indicate that the Account Owner held a custody account, number 36926, and a demand deposit account.

According to the Bank's records, the Account Owner deposited £150.00 in gold coins in the custody account on 6 October 1933. The Bank's records indicate that the Account Owner contacted the Bank for the last time in 1936. The Bank's records further indicate that the balance of the demand deposit account as of 7 September 1959 was SF 27.50, and that the value of the custody account as of that date was SF 4,000.00. The Bank's records further indicate that the cumulative value of the assets held by the Account Owner in 1962 was approximately SF 4,150.00. According to the records, the Bank considered the Account Owner's accounts for registration in the 1962 Survey, but did not complete the registration.

The Bank's records show that the balance of the assets held by the Account Owner as of 31 December 1997 was transferred to the Claimant pursuant to the Partial Award issued by the Claims Panel in course of the Arbitration. These records further indicate that the Claimant was issued a Final Award representing the value of the content of the custody account adjusted for compounded return on investment and a fee adjustment.

With regard to the demand deposit account, as noted in the 16 March 2001 letter from the Bank to the Claimant, the auditors included this account on the ICEP List as a "closed account" because they were not certain that it was the same account awarded to the Claimant under the proceedings described above. A careful review of the records, however, indicates that the demand deposit account was part of the numbered account relationship that remained open and dormant until the time of the Partial Award. At the time of the Partial Award, the amount remaining in both the demand deposit account and the custody account were paid to the Claimant.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her uncle's name matches the published name of the Account Owner. The Claimant identified her uncle's exact street address in Riga, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including her own birth certificate, indicating that her father was [REDACTED]; her uncle's birth registration, entry number 577, and her father's birth registration, entry number 294, indicating that they were both born to [REDACTED] and [REDACTED]; and an archival reference, issued in November 1997 in Latvia, which also indicates the relationship between the Claimant's uncle and her father; which provide independent documentation that the Claimant's uncle had the same name as the Account Owner. The CRT notes that the other claim to this account was disconfirmed because the other claimed account owner resided in a different city than 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 he perished in the Riga ghetto in 1941.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Paul Itzkin, and indicates that he was an industrialist, that his date of birth was 1 January 1884 and his place of birth was Riga, Latvia. It is likely that the date of birth listed in the database is a combination of the dates of birth used in the Julian and Gregorian calendars. The information in the database matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including her own birth certificate, her uncle's birth registration and her father's birth registration, demonstrating that she is his niece. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

With regard to the custody account, the CRT notes that the remaining assets in the account as of December 1997 were transferred to the Claimant pursuant to the Partial Award dated 22 November 1999 and that the full value of the custody account, as calculated by the Claims Panel and adjusted for interest and fees, was awarded in the Final Award rendered by the Claims Panel on 29 December 2000.

With regard to the demand deposit account, the CRT notes that the account's balance in 1935 was SF 100.00, and that it was reduced to a negative balance by 1945. The CRT further notes that after that date, assets from the custody account were sold and the proceeds deposited into the demand deposit account so that fees for the custody account could continue to be charged to the account. The demand deposit account thus remained open and dormant until the payment of the Partial Award in 1999.

The CRT notes that the Final Award restituted the value of the custody account, adjusted for fees and interest, to the Claimant. However, the Final Award did not make any award to the demand deposit account. Accordingly, the Claimant is entitled to an award for that account here.

#### 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 her uncle, and that relationship justifies an Award. Finally, 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 the present case, the Award is to the demand deposit account held by the Account Owner. The Bank's records indicate that the value of the demand deposit account in 1935 was SF 100.00, and that the Bank continued to sell assets from the custody account and deposit the proceeds into the demand deposit account in order to charge fees on the custody account. The Bank's records indicate that the value of the demand deposit account as of 7 September 1959 was SF 27.50, which reflects the addition of such assets. Given that the last recorded contact with the Account Owner took place in 1936, and given the deposit into the demand deposit account of assets originally contained in the custody account, for purposes of this award the CRT shall adopt the 1935 value of SF 100.00 as the value of this account.

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 an award amount of SF 26,750.00.

The CRT notes that the Claimant received a Partial Award totaling SF 6,454.00, which was the equivalent of the remaining £50.00 in gold coins in the custody account plus the balance of SF 604.00 in the demand deposit account. This amount of SF 604.00, however, is not deducted here. As noted above, in the Final Award, a total of SF 6,454.00 (which was the equivalent of the remaining £50.00 in gold coins plus the balance of SF 604.00 in the demand deposit account), was deducted from the value of the custody account as having been paid in the Partial Award. In other words, the amount previously received by the Claimant for this account was already deducted by the Bank in its payment for the Final Award. Hence, no further deduction is necessary, and the Claimant is entitled to the full 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  
26 November 2008