

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Gabriela Lebi

in re Account of Julius Klein

Claim Number: 300162/AH

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Gabriela Lebi, née Oblath, (the “Claimant”) to the account of Julius Klein (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal great-uncle, Julius (also known as Juliu) Klein, who was born in approximately 1875, in Nyitra, Hungary (now Czechoslovakia), was married to Ilka Klein. Between the years 1900 and 1939, approximately, Julius Klein resided on Kärtnerstrasse in Vienna, Austria. The Claimant stated that her great-uncle, who was Jewish, was the brother of Zseni Klein, the Claimant’s paternal grandmother, and the son of Adolf Klein and Regina Klein, née Pretlmajer, and worked as a bank director at the *Wiener Bankverein*. The Claimant stated that Julius Klein’s family knew that he conducted his private financial affairs at other banks. The Claimant indicated that her uncle often traveled to Switzerland on business, and that her parents knew that he deposited money in Swiss banks. The Claimant added that her father, Fülöp Oblath, worked for her uncle until 1933, and that she knows they both often traveled to various cities in Austria to visit different branches of the bank her great-uncle managed. The Claimant further indicated that on 9 February 1939, in the middle of a telephone conversation with Julius Klein, her father heard him scream. The Claimant stated that her father later learned that SS troops had broken into her great-uncle’s office and thrown him out of the third floor window. The Claimant stated that her great-uncle died three days later, as a result of injuries, on 12 February 1939 in a hospital in Vienna. The Claimant stated that soon thereafter her great-aunt was sent to Auschwitz, where she was killed.

The Claimant stated that her great-uncle had no children, and that for many years her father, who died in October 1986 in Cape Town, South Africa, tried to locate surviving members of his

great-uncle's family, until he realized that he was the only survivor. The Claimant stated that over the years she had made extensive inquiries about her great-uncle's accounts, to no avail. In support of her claim, the Claimant submitted various documents, including her great-uncle's death certificate, indicating his date of death and that his last address was Properstrasse 11, Vienna XXI; her grandmother's birth certificate; and her father's birth certificate and his will, appointing her as sole heir to his estate. The Claimant indicated that she was born on 24 January 1934 in Budapest, Hungary.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Julius Klein of Innsbruck, Austria. The Bank's record indicates that the Account Owner held a safe deposit box account, numbered 5238, which was opened on 18 April 1936 and closed unknown by whom on 25 February 1939. The Bank's record does not show to whom the account at issue was paid, nor does this record indicate the value or content of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name and country of residence, as confirmed in documents provided by the Claimant, match the published name and country of the Account Owner. The CRT notes that the Bank's record does not contain any additional information regarding the Account Owner other than his name and city of residence. The CRT also notes that the Claimant's great-uncle's main residence was located in Vienna, while the Bank's records indicate Innsbruck, Austria. However, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Julius Klein, and indicates that his date of birth was 11 March 1875, which 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. In addition, the Claimant stated that her family knew that her great-uncle owned accounts in Swiss banks, and that they tried to trace the accounts for many years, to no avail. The CRT further notes that the name Julius Klein appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. In addition, the CRT notes that this date is less than two weeks prior to the closure date of the account. The CRT further notes that the other claims to this account were disconfirmed because those claimants provided different countries of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 SS troops broke into her great-uncle's office and threw him out of the third floor window; and he died as a result of his injuries three days later, on 12 February 1939, in a hospital in Vienna. The Claimant also stated that soon thereafter her great-aunt was sent to Auschwitz, where she was killed. As noted above, a person named Julius Klein was included in the CRT's database of victims.

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 great-uncle's death certificate, her grandmother's birth certificate and her father's birth certificate, demonstrating that the Account Owner was her paternal great-uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Nazis killed the Account Owner before the closure date of his accounts; given that his wife was deported to Auschwitz soon thereafter; and given the application of Presumptions (a), (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 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 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 paternal great-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 this case, the Account Owner held one safe deposit box 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 the instructions of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of a safe deposit box account was 1,240.00 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 15,500.00 Swiss Francs.

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
July 15, 2003