

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Isidor Koth

Claim Number: 202834/MBC

Award Amount: 114,525.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the account of Isidor Koth (the “Account Owner”) at 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.

Information Provided by the Claimant

The Claimant submitted an Initial Questionnaire with the Court in 1999 identifying the Account Owner as her uncle by marriage, Isidor Koht, who was born in approximately 1905 in Hungary and was married to [REDACTED], née [REDACTED], the Claimant’s maternal aunt. According to the Claimant, her uncle lived in Sopron, Hungary, where he owned a jewelry store. The Claimant explained that in 1944, her uncle and aunt wrote to her parents that they had deposited money in Swiss banks and that they were preparing to flee to Palestine. The Claimant further explained that her relatives, who were Jewish, were deported to a concentration camp in 1944 and were never heard from again. In support of her claim, the Claimant submitted her birth certificate which indicates her mother’s last name, [REDACTED]. The Claimant stated that she was born in Vienna, Austria, on 9 May 1928.

Information Available in the Bank’s Records

The Bank’s records consist of a list of accounts that were transferred to a suspense account for dormant accounts and printouts from the Bank’s database. According to these records, the Account Owner was Isidor Koth, who resided in Sopron,² Hungary. The Bank’s records indicate

¹ The CRT will treat the claim to this account in a separate decision.

² The Bank’s record misspells the name of the town, Sopron as Sopran.

that the Account Owner held an account of unknown type and that the account existed as early as 1938. As of 10 August 1945, the amount in the account was 9,147.00 Swiss Francs. The account was transferred to a collective account for dormant assets on 31 December 1957.

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”) determined that the Bank closed the account to its profit and loss account at some point on an unknown date. These auditors indicated that there was no evidence of activity on this account after 1945.

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 city of residence, which matches unpublished information about the Account Owner contained in the Bank’s records. The CRT notes that the Bank’s records do not contain any specific information about the Account Owner other than his name and city and country of residence.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Isidor Koht, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the Claimant has based her 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Regarding the difference between the spelling of the Account Owner’s last name in the Bank’s records and Account Owner’s last name as spelled by the Claimant (Koth *versus* Koht), the CRT notes that the difference in spelling is apparently the result of the transcription of names into different languages given that the two spelling variations are pronounced the same in Hungarian and German (“KOAT”). The CRT further notes that the other claims to this account were disconfirmed because of lack of information provided by the other claimants or due to inconsistent country of residence information provided by the other claimants about the Account Owner. Taking all of these factors into account, and given that the Claimant identified the Account Owner prior to the publication of the list of accounts of probable or possible Nazi victims as well as the Claimant’s independent identification of her uncle’s city of residence as contained in the Bank’s records, 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 the Account Owner was Jewish, that he was deported to a concentration camp, and that he was never heard from again.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information indicating that he was her uncle. As stated above, the Account Owner was married to the Claimant's maternal aunt. There is no information to indicate that the Account Owner has other surviving heirs. As noted above, the Claimant filed an Initial Questionnaire with the Court in 1999 prior to the February 2001 publication of the ICEP List, in which she identified unpublished information about her uncle as contained in the Bank's records.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a suspense account for dormant accounts on 31 December 1957. The auditors who carried out the ICEP Investigation determined that the account was taken into bank profits on an unknown date.

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 Governing the Claims Resolution Process, as amended (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 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 account of unknown type. The Bank's records indicate that the value of the account was 9,147.00 Swiss Francs as of 10 August 1945. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 15.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 10 August 1945. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 9,162.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 114,525.00 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
September 30, 2003