

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Aaron David Koslovsky

**in re Accounts of Gustavo Coslich**

Claim Number: 221141/MBC

Award Amount: 191,640.00 Swiss Francs

This Certified Award is based upon the claim of Aaron David Koslovsky (the “Claimant”) to the account of Gustavo Coslich (the “Account Owner”) at 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 his father, Gustavo Coslich, who was born in Danzig, Poland on 15 August 1894, and married Eva Kozlowski, née Hickopf on 8 February 1923, in Buenos Aires, Argentina. The Claimant submitted a statement dated 13 October 1967, issued by a notary public, according to which the Claimant’s father’s name was changed from “Kozlowski” to “Coslich,” upon acquiring Bolivian nationality in 1938. The Claimant further asserted that his father traveled across several European countries between 1938 and 1939, and settled in France in 1939, where he lived until his death in 1972. The Claimant further stated that his father died in Neuilly, France, on 19 January 1972. According to the Claimant, his father was Jewish and was arrested and tortured by the Gestapo in Fort Monluc and Drancy in 1943. The Claimant indicated that the Nazis thus obtained information about the Claimant’s father’s assets, (including his Swiss bank account), which the Nazis looted. The Claimant further stated that his father was liberated by the Allies. The Claimant stated that he himself was born in Buenos Aires, on 20 October 1923.

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

The bank records consist of a printout from the Bank’s database of open accounts and a sample of the Account Owner’s signature dated 12 February 1941. According to these records, the sole Account Owner was Gustavo Coslich, who was a Bolivian national domiciled in France. The bank records indicate that the Account Owner held a demand deposit account, a custody account

and a savings/passbook account. The bank records also indicate that the accounts are still open and that the amount in the demand deposit account was 1,213.00 Swiss Francs as of 21 May 1999. These records do not contain the value of the custody account or the savings/passbook account. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution, pursuant to the instructions of the Independent Committee of Eminent Persons, (the “ICEP Investigation”), indicated that there was no evidence of activity on these accounts after 1945.

## **The CRT’s Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father’s name and country of residence match the published name and country of residence of the Account Owner. In addition, the Claimant stated that his father acquired Bolivian nationality in 1938, which matches the unpublished nationality of the Account Owner contained in the bank documents. In support of his claim, the Claimant submitted various documents, including his father’s passport. The Claimant’s father’s signature contained in the passport matches the Account Owner’s signature contained in the bank records.

### 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 was arrested and tortured by the Gestapo in 1943, in France.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner, by submitting documents demonstrating that he is his parents’ only child.

### The Issue of Who Received the Proceeds

The bank records indicate that the accounts remain open and dormant.

### 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father 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 accounts.

### Amount of the Award

The bank records indicate that the value of the demand deposit account as of 21 May 1999 was 1,213.00 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 925.00 Swiss Francs, which reflects standardized bank fees charged to this account between 1945 and 21 May 1999. Consequently, the adjusted balance of the account at issue is 2,138.00 Swiss Francs. According to Article 35 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. Regarding the custody account and the savings/passbook account, pursuant to Article 35 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs and the average value of a savings/passbook account was 830.00 Swiss Francs. The total present value of these three amounts is calculated by multiplying them by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total present value of 191,640.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 67,074.00 Swiss Francs.

### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to 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