

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Erez Bernstein

in re Accounts of Erwin and Babette Koblitz

Claim Number: 501723/AZ

Award Amount: 117,156.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED] (the “Claimant”), to the published accounts of Erwin and Babette Koblitz (together the “Account Owners”) at the London branch of the [REDACTED] (the “Bank”).¹

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 a Claim Form identifying the Account Owners as her parents, Erwin Koblitz and Babette Koblitz, née Wulkan, who were born on 15 December 1892 in Vienna, Austria and 10 April 1897 in Bielsko, Poland, respectively. The Claimant indicated that her parents, who were Jewish, resided in Bielsko, where her father was the authorized representative (*Prokurist*) of a company and her mother was a housewife, and that they had one child, the Claimant, who was born on 26 August 1924 in Bielsko. According to the Claimant, her parents both perished in 1942.

In an email dated 13 March 2006, the Claimant’s legal representative informed the CRT that the Claimant made a claim to the Bank to her parents’ accounts after the Second World War and that she received a quantity of British gold coins during the late 1990s.

The Claimant submitted a copy of her passport, indicating that [REDACTED] was born on 26 August 1924 in Bielsko-Biala, Poland.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Babette Koblitz is indicated as having one account and Erwin Koblitz is indicated as having one account. Upon careful review, the CRT has concluded that the Account Owners jointly held two accounts.

Information Available in the Bank's Records

The Bank's record consists of a report prepared by the auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"). According to this record, the Account Owners were Erwin and Babette Koblitz, who resided in Bielsko, Poland. This record indicates that the Account Owners held at least one account, opened on 29 May 1934.

Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about the accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents. These documents consist of a contract to open a joint account dated 1 June 1934; a signature card; an order dated 18 May 1940 registering the Account Owners' assets under the British Trading with the Enemy Act of 1939; customer cards; and account ledgers.

These records indicate that the Account Owners were Mr. Erwin Koblitz and Mrs. Babette Koblitz, who resided at 3 Pestalozzi Street in Bielsko. The Bank's records further indicate that the Account Owners held one custody account, which contained 150 British gold sovereigns, and one demand deposit account. In addition, the Bank's records indicate that the accounts were originally held under the customer number 6039 and were later designated as "old accounts" bearing the additional reference number 5391946.

The Bank's records indicate that the demand deposit account held a negative balance of 8.15.5 Pound Sterling ("£") as of May 1942, which was reduced by fees and charges - including maintenance fees for the custody account - over the subsequent decades, reaching a negative balance of £230.40 as of April 1977. Finally, the Bank's records indicate that both accounts were closed on 18 March 1980 and transferred to a suspense account for dormant assets. The auditors who carried out the ICEP Investigation indicated that there was no evidence of activity on these accounts after 1945.

There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant's parents' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimant identified the Account Owners' relationship, which matches unpublished information about the Account Owners contained in the Bank's records. Furthermore, the Claimant indicated that she received British gold coins from the Bank in connection with one of her parents' accounts, and has thereby identified the unpublished contents of the Account Owners' custody account.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes persons named Erwin Koblitz and Babette Koblitz, née Wulkan, and indicates that their dates of birth were 15 December 1893 and 10 April 1897, respectively; that they were married, that they resided in Bielsko-Biala; and that they perished in Samarkand, Uzbekistan on 7 October 1942 and 16 October 1942, respectively. The CRT notes that these entries consist of testimony submitted by their daughter, the Claimant, to the Yad Vashem Memorial of Israel in 1990.

The CRT notes that there are no other claims to these accounts.

Status of the Account Owners as a Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were a Victim of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, that they resided in Nazi-occupied Poland during the Second World War, and that they perished in 1942. As noted above, persons named Erwin and Babette Koblitz were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting specific biographical information, demonstrating that the Account Owners were the Claimant's parents. The CRT further notes that the Claimant identified unpublished information about the Account Owners and their accounts as contained in the Bank's records; that the Claimant submitted testimony to Yad Vashem in 1990 identifying her relationship to the Account Owners; and that the Claimant received restitution from the Bank in connection to one of the accounts during the late 1990s. The CRT further notes that the Claimant submitted a copy of her own passport, which provides independent verification that she was born in the Account Owners' city of residence. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form. There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the accounts were transferred to a suspense account for dormant assets in March 1980. The Bank's records do not refer to the ultimate disposition of the assets.

The Claimant indicated that she received a quantity of British gold sovereigns from the Bank in connection with her parents' accounts during the late 1990s. However, the Bank's records do not indicate whether the custody account contained any other assets, nor do these records indicate any payment made to the Claimant or to any other heirs of the Account Owners. Therefore, the CRT concludes that it is plausible that the full proceeds of the custody account were not paid to the Account Owners or their heirs. With regard to the demand deposit account, given that the account was suspended in 1980; that it held a negative balance as the result of decades of fees and charges; and that the Claimant did not indicate having received any payment

in connection with this account, the CRT concludes that the account proceeds were not paid to the Account Owners or their heirs.

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 Owners were her parents, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the demand deposit account, and that it is plausible that neither the Account Owners nor their heirs received the full proceeds of the custody account.

Amount of the Award

In this case, the Account Owners held one custody account and one demand deposit account. The Bank’s records indicate that custody account contained 150 British gold sovereigns, which had a market value of 5,767.50 Swiss Francs (“SF”) in 1945.² According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. The CRT notes that the Claimant received British gold coins from the account during the late 1990s and, in the absence of other evidence, assumes that she received the full 150 sovereigns mentioned in the Bank’s records. Therefore, the CRT deducts SF 5,767.50 from the balance as determined by Article 29 to derive a total 1945 value of SF 7,232.50 for the remaining balance presumed not to have been paid to the Account Owners or their heirs. The current value of this amount 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. Consequently, the award amount for the custody account is SF 90,406.25.

The Bank’s records further indicate that the value of the demand deposit account as of 22 May 1942 was negative £8.15.5, which was equivalent to negative SF 151.18. The CRT notes that the Bank’s records do not contain any indication of the account’s value between 1934 and May 1942 and that the account must have originally held a positive balance before becoming dormant and being reduced by bank fees. 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 this amount 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. Consequently, the award amount for the demand deposit account is SF 26,750.00.

Accordingly, the total award amount in this case is SF 117,156.25.

² The CRT uses official exchange rates and market values when making currency conversions and gold valuations.

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
29 May 2007