

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to the Estate of Claimant Catalina Seltzer<sup>1</sup>

**in re Account of Guta Szanowsky**

Claim Numbers: 220551/MBC; 200650/MBC

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Catalina Seltzer, née Goldblum, (the “Claimant”) to the unpublished account of Guta Szanowsky (the “Account Owner”) at the Bern branch of the [REDACTED] (the “Bank”).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 herself as the Account Owner, Guta (Gitel) Szanowsky (Sanowsky), née Goldblum, who was born on 15 February 1914 in Lodz, Poland, and was married to Abraham Szanowsky in 1937 in Poland. The Claimant indicated that as of approximately 1935 she resided in Amsterdam, the Netherlands, with her husband and her children, Lea and Ester, and that the family owned a business.

The Claimant, who was Jewish, indicated that, in 1941, her husband was deported to Mauthausen concentration camp, where he perished on 10 October 1941. The Claimant further indicated that, on 25 August 1942, she fled from Amsterdam, first to Belgium, then to France, and finally to Switzerland, where she arrived on 2 October 1942.

The Claimant indicated that she was permitted entry to Switzerland as a refugee, provided that she deposited all assets in her possession into a bank account at the Bank. The Claimant indicated that during her stay in Switzerland, she lived in “Camp des Refugies de Chamery” (Chamery refugee camp), in “Sonnenberg” detention facility in Lucerne, and in “Flüchtlingsheim Tivoli” (Tivoli refugee camp) in Lucerne, and that she left Switzerland toward the end of 1944 without receiving the remaining funds in her account.

---

<sup>1</sup> In a telephone conversation with the CRT, Catalina Seltzer’s daughter, Lea Radziner, stated that her mother passed away on 16 September 2003.

Finally, the Claimant indicated that after the Second World War, she returned to Amsterdam and that in 1949 she emigrated first to Buenos Aires, Argentina, then to Sao Paulo, Brazil, and eventually, in 1968, to Los Angeles, California, the United States, where she married Leon Seltzer.

In a telephone conversation with the CRT, the Claimant's daughter, Lea Radziner, stated that, upon her entry to Argentina, her mother was required to change her first name to a Spanish name and that she chose Catalina. The Claimant's daughter further stated that the Claimant died on 16 September 2003.

In support of her claim, the Claimant submitted copies of documents evidencing an account at the Bank, which are further described below; and her own American passport, indicating that Catalina Seltzer was born on 15 February 1914 in Poland.

The Claimant's daughter, Lea Radziner, submitted copies of: (1) her mother's death certificate, indicating that Catalina Seltzer was born on 15 February 1914 in Poland, that her parents were Jacob and Lea Goldblum, and that she died on 19 September 2003 in Sherman Oaks, California; (2) her mother's last will, dated 13 December 1996; (3) her mother's restatement regarding a trust; (4) her own birth certificate, issued in Amsterdam, indicating that Lea Szanowsky was born on 10 November 1938 in Amsterdam to Abraham Szanowsky and Gitel Goldblum, and that on 14 May 1948 she was adopted by Lewek Gerstner, whereupon her name was changed to Lea Gerstner; and (5) her own marriage certificate, indicating that Lea Gerstner was born in Holland, and that her mother was Catalina Goldblum.

The Claimant indicated that she was born on 15 February 1914 in Lodz.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to her own Swiss bank account.

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

The CRT notes 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") did not report an account belonging to Guta Szanowsky during their investigation of the Bank. The Bank's documents were submitted by the Claimant to the CRT.

According to these records, the Account Owner was Guta Szanowsky, who held a demand deposit account at the Bank.

These documents include the minutes of a verbal hearing (*Proces-verbal d'audition*), prepared by the Swiss army police (*Gendarmerie de L'armée*), dated 3 October 1942, documenting the hearing that was conducted in the matter of Guta Szanowsky, and indicating that Guta Szanowsky was born in Lodtz, Poland, on 15 February 1914, and that she was Jewish. According to the protocol, Guta Szanowsky stated that she fled from Amsterdam to Switzerland

on 25 August 1942, passing through Belgium and France, and that she had 50.00 Swiss Francs (“SF”), 1,500.00 United States Dollars (“US \$”), 3,000.00 French Francs (“FF”), and 40.00 Belgian Francs (“BF”),<sup>2</sup> in her possession when she arrived in Switzerland.

These documents also include a letter from the Bank to the police division of the Swiss Federal Justice and Police Department in Bern, Switzerland, dated 29 June 1943, indicating that the Bank requested the permission of the police division to debit the account at the Bank of refugee Guta Szanowsky for hospital expenses in an unstated amount, and that the balance in her demand deposit account on the date the letter was issued, prior to the deduction for hospital expenses, was SF 2,500.00. Finally, the records include a letter from the Bank to Guta Szanowsky, dated 24 August 1945, indicating that the Bank withdrew SF 916.00 from her demand deposit account, in accordance with the instructions of the police division in Bern, and in order to pay an invoice owing to a woman in Zurich.

The Bank’s records do not show when the account at issue was closed. There is no evidence in the Bank’s records that the Account Owner or her heirs closed the account and received the proceeds themselves.

## **The CRT’s Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified herself as the Account Owner. The Claimant’s city and country of residence match the unpublished city and country of residence of the Account Owner. The CRT further notes that the Claimant explained that her surname had changed because she had remarried, and that the Claimant’s daughter stated that her mother’s given name had changed upon her arrival in Argentina.<sup>3</sup>

The CRT notes that the Claimant herself submitted the Bank’s records in this case, including: the minutes of a verbal hearing, documenting a hearing in the matter of Guta Szanowsky; a letter from the Bank to the police division in Bern; and a letter from the Bank to Guta Szanowsky. Moreover, the Claimant also submitted a copy of her own passport, and the Claimant’s daughter submitted her mother’s death certificate, as well as her own birth certificate, providing independent verification that the Claimant had the same name and date and country of birth as the name and date and country of birth of the Account Owner recorded in the Bank’s records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Guta Goldblum, and indicates that her date of birth was 15 February 1914 and her place of birth was Poland, and that she was interned in Switzerland as a civil refugee on 2 October 1942, which matches the information about the Account Owner provided

---

<sup>2</sup> The CRT notes that the abbreviation used for the fourth currency was *Fbges.*, and that although it is not the formal abbreviation for Belgian Francs, it is plausible that *Fbges.* was the form in which the Swiss Army Police abbreviated the currency.

<sup>3</sup> The CRT notes that in many immigrant-absorbing countries, including Argentina, immigrants were mandated to change their names upon entry into the country.

by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

#### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that she was a Victim of Nazi Persecution. The Claimant stated that she was Jewish, that she fled the Netherlands to escape persecution, that she was interned in Swiss refugee camps, and that her husband perished in Mauthausen concentration camp.

As noted above, a person named Guta Goldblum 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 the Account Owner by submitting specific information and documents, demonstrating that she was the Account Owner. These documents include a copy of her passport, and her death certificate, submitted by the Claimant's daughter.

#### The Issue of Who Received the Proceeds

The CRT notes that the Bank had contact with the Account Owner after the end of the Second World War. However, that contact was initiated by the Bank and served only to inform the Claimant that it had withdrawn money from her account in accordance with instructions of the police division in Bern, and apparently without her prior consent. Moreover, there is no evidence that any amount remaining in the account after this deduction was ever returned to the Claimant. Given this, and given that refugees in Switzerland whose assets were placed in accounts at the Bank by the Swiss authorities generally could not freely dispose over their accounts;<sup>4</sup> that the Account Owner left Switzerland towards the end of 1944 and returned to the Netherlands to join her two children; that a significant number of refugee accounts could not be retrieved by account owners;<sup>5</sup> that complaints of refugees mostly concerned the fact that their deposited assets were not returned;<sup>6</sup> that there is no record of the payment of the Account Owner's account to her nor any record of a date of closure of the account; that the Account

---

<sup>4</sup> The CRT notes that pursuant to the Swiss Federal Council's Decree of 12 March 1943 ("the Decree"), the assets of all refugees who entered Switzerland after 1 August 1942 were confiscated by the Swiss Federal authorities and held for them in accounts at the Bank, and that these accounts were managed by the Swiss police authorities. The Decree applied retroactively to refugees who entered Switzerland after 1 August 1942, and provided that cash exceeding 100.00 Swiss Francs, securities, and valuables belonging to refugees were to be put under the control of the Swiss Federal authorities. See Independent Commission of Experts Switzerland- Second World War, Switzerland, *National Socialism and the Second World War: Final Report* (2002) (hereinafter *Bergier Final Report*), at 158-160. See also Independent Commission of Experts, Switzerland - Second World War, *Die Schweiz und die Fluchtlinge zur Zeit des Nationalsozialismus (Switzerland and Refugees in the Nazi Era)* ("Refugee Report").

<sup>5</sup> *Refugee Report* at 309, 312 ff.

<sup>6</sup> Jung, Joseph (ed.): *Zwischen Bundeshaus und Paradeplatz - Die Banken der Credit Suisse Group im Zweiten Weltkrieg (Between Parliament and Paradeplatz: The Banks of the Credit Suisse Group in the Second World War)*, Zurich: NZZ Verlag, 2001, at 704.

Owner and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (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 her 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's Estate. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that she was the Account Owner. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account.

According to the protocol of the verbal hearing, upon her arrival in Switzerland on 24 August 1942, Guta Szanowsky had in her possession SF 50.00; US \$1,500.00, which was equivalent to SF 6,450.00; FF 3,000.00, which was equivalent to SF 270.00; and BF 40.00, which was equivalent to SF 5.56,<sup>7</sup> for a total of SF 6,775.56, which was confiscated from her and placed in an account at the Bank. The Bank's records indicate that the value of the demand deposit account, as of 29 June 1943, was SF 2,500.00. The Bank's records also indicate that a further unstated amount was deducted from the account to pay for the Account Owner's hospital expenses, and that subsequently the amount of SF 916.00 was deducted from the account in August 1945 in payment of an invoice owing to a woman in Zurich. Accordingly, in August 1945, the total value of the Account Owner's demand deposit account was less than SF 1,584.00. 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.

Although the Bank's records in this case include the amount indicated as having been originally confiscated from the Account Owner and detail some of the deductions made to the account, the records do not specify the amount of all deductions to the account, nor do they explain the discrepancy of over SF 4,000.00 between the account's value based upon the original assets as listed (SF 6,775.56 in August 1942) and its balance ten months later (SF 2,500.00 in June 1943). The CRT also notes that it is not clear that the Bank credited all the original assets noted as having been in the Account Owner's possession to her account. Given these circumstances, and given the lack of balance information regarding the account during the period of time when the

---

<sup>7</sup> The CRT uses official exchange rates when making currency conversions.

Account Owner remained in Switzerland, the CRT concludes that the Bank's records do not constitute evidence sufficient to rebut the Article 29 value presumption. Accordingly, the value of the account is deemed 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 total award amount in this case is 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 claims 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  
25 November 2008