

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimants [REDACTED 1]

and [REDACTED 2]

**in re Accounts of Marta Berkowitz, Anna Berkowitz,  
and Alexander Berkowitz**

Claim Numbers: 300573/AE; 300579/AE;<sup>1</sup> 300581/AE; 300604/AE; 300738/AE; 300739/AE;  
300740/AE<sup>2</sup>

This Certified Denial is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Marta Berkowitz (“Account Owner 1”), Anna Berkowitz (“Account Owner 2”), and Alexander Berkowitz (“Account Owner 3”) at the [REDACTED] (the “Bank”).

All denials are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owners, and the bank have been redacted.

### **Information Provided by the Claimants**

The Claimants, who are mother and daughter, submitted Claim Forms asserting that their relatives, Marta Berkowitz, Anna Berkowitz, and Alexander Berkowitz, owned Swiss bank accounts. The Claimants stated that Claimant [REDACTED 1]’s late husband’s maternal grandfather, Alexander Berkowitz, was born in Riga, Latvia, and was married to [REDACTED] in Riga. The Claimants added that Alexander Berkowitz, who was Jewish, was the manager of a textile manufacturing business in Riga, where he lived with his family. The Claimants further stated that Anna Berkowitz and Marta Berkowitz, who were Jewish, lived in Riga. In a telephone conversation with the CRT on 10 January 2003, Claimant [REDACTED 1] explained that her relatives resided in Riga but could have had connections to Bucharest, Romania, or

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<sup>1</sup> [REDACTED 1]’s late husband, [REDACTED], submitted an Initial Questionnaire with the Court in 1999, claiming accounts belonging to Alexander Berkovitz (Berkowitz). The CRT is treating the Initial Questionnaire and [REDACTED 1]’s Claim Form under the consolidated Claim Number 300579.

<sup>2</sup> According to Article 37 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the seven claims of the Claimants in one proceeding.

Budapest, Hungary. Claimant [REDACTED 1] indicated that she was born on 17 September 1939 in Kiev, the Ukraine. Claimant [REDACTED 2] indicated that she was born on 10 September 1962, also in Kiev.

The Claimants submitted documents in support of their applications, including: (1) a copy of Claimant [REDACTED 1]'s marriage certificate to her late husband, [REDACTED]; (2) Claimant [REDACTED 1]'s late husband's birth certificate, indicating he is the son of [REDACTED] (also known as [REDACTED]), and (3) Claimant [REDACTED 1]'s late husband's death certificate, indicating he is the son of Julia Berkowitz.

Claimant [REDACTED 1]'s late husband, [REDACTED], previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Alexander Berkovitz (Berkowitz). The CRT notes that in the Initial Questionnaire [REDACTED] stated that Alexander Berkovitz (Berkowitz) lived in Riga his entire life, where he and all his family perished due to Nazi persecution, probably in 1941.

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

The CRT notes that the Claimants submitted claims to accounts belonging to their relatives, Marta Berkowitz, Anna Berkowitz, and Alexander Berkowitz. The auditors who carried out the investigation to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") reported three accounts whose owners' names match those provided by the Claimants. Upon review of the bank documents, the CRT also located one additional account that was not reported by the auditors. Each account is identified below by its Account Identification Number, which is a number assigned to the account by the ICEP auditors for tracking purposes.

#### Accounts 5025128 and 5025128.1

The Bank's records indicate that Account Owner 1 was Marta Berkowitz, who resided in Milan, Italy. The Bank's records also indicate Account Owner 1's title and profession.

#### Accounts 5029934 and 5032623

The Bank's records indicate that Account Owner 2 was Anna Berkowitz, and that Account Owner 3 was Alexander Berkowitz, who both resided in Paris, France.

### **The CRT's Analysis**

#### Admissibility of the Claims

The CRT has determined that the claims are admissible according to Article 18 of the Rules Governing the Claims Resolution Process, as amended (the "Rules").

### Identification of the Account Owners

As for Accounts 5025128 and 5025128.1, the CRT concludes that the Claimants have not identified Account Owner 1 as their relative. Although the name of their relative matches the published name of Account Owner 1, the information provided by the Claimants differs materially from the unpublished information about Account Owner 1 available in the Bank's records. Specifically, the Claimants stated that their relative, Marta Berkowitz, resided in Riga, Latvia and may have had family connections to Bucharest, Romania, or Budapest, Hungary. Furthermore, the Claimants' late husband and father, respectively, [REDACTED], filed an Initial Questionnaire with the Court in 1999, in which he stated that Alexander Berkowitz (Berkovitz) lived in Riga his entire life, where he and his family perished due to Nazi persecution. In contrast, the Bank's records show that Account Owner 1 resided in Milan, Italy, to which the Claimants did not establish any connection. Furthermore, the Bank's records show Account Owner 1's title and profession, which were not identified by the Claimants. Consequently, the CRT is unable to conclude that Account Owner 1 and the Claimants' relative are the same person. Moreover, it should be noted that the CRT has awarded the accounts to another claimant who plausibly identified Account Owner 1 as her relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

As for Accounts 5029934 and 5032623, the CRT concludes that the Claimants have not identified Account Owner 2 or Account Owner 3 as their relatives. Although the names of their relatives match the published names of Account Owner 2 and Account Owner 3, the information provided by the Claimants differs materially from the published information about the Account Owners available in the Bank's records. Specifically, the Claimants stated that their relatives, Alexander Berkowitz and Anna Berkowitz, resided in Riga, Latvia, and could have had family connections to Bucharest, Romania, or Budapest, Hungary. Furthermore, the Claimants' late husband and father, respectively, [REDACTED], filed an Initial Questionnaire with the Court in 1999, in which he stated that Alexander Berkowitz (Berkovitz) lived in Riga his entire life, where he and his family perished due to Nazi persecution. In contrast, the Bank's records show that Account Owner 2 and Account Owner 3 lived in Paris, France, to which the Claimants did not establish any connection. Consequently, the CRT is unable to conclude that Account Owner 2 or Account Owner 3 and the Claimants' relatives are the same persons. Moreover, it should be noted that the CRT has awarded the accounts to another claimant who plausibly identified Account Owner 2 as her relative. All decisions are published upon release on the CRT's website at [www.crt-ii.org](http://www.crt-ii.org).

### Right of Appeal

Pursuant to Article 30 of the Rules, the Claimants may appeal this Denial to the Court through the Special Masters within ninety (90) days of the date of the letter accompanying this decision. Appeals should be delivered to the following address: Office of the Special Master, c/o Claims Resolution Tribunal, P.O. Box 9564, 8036 Zurich, Switzerland.

The Claimants should send appeals in writing to the above address and should include all reasons for the appeal. If more than one account has been denied in this Certified Denial, the Claimants should identify the Account Identification Number that forms the basis of the appeal. Appeals

submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

### **Scope of the Denial**

The Claimants should be aware that the CRT will carry out further research on their claims to determine whether an award may be made based upon the information provided by the Claimants or upon information from other sources.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
12 January 2005