

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Accounts of Heinrich Katz¹

Claim Number: 600037/KG

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of [REDACTED].² This Denial is to the unpublished accounts of Heinrich Katz (the “Account Owner”) at the [REDACTED] (the “Bank”).

All denials 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 to the Holocaust Claims Processing Office (the “HCPO”) identifying the Account Owner as his relative, [REDACTED]. In a telephone conversation with the HCPO in 2002, the Claimant’s son, [REDACTED], stated that [REDACTED] was the Claimant’s paternal uncle.³ The Claimant indicated that [REDACTED], who was Jewish, resided in Satu Mare, Romania. [REDACTED] further indicated that he knew [REDACTED] was in Europe during the period of the Second World War but that he was not sure in what country or countries he lived during that time. According to [REDACTED], [REDACTED] survived the

¹ The Claimant submitted a claim, numbered B-00086, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600037.

² The CRT will treat the claim to this account in a separate determination.

³ The CRT notes that it is not clear from the available information whether [REDACTED] was the Claimant’s paternal uncle, as stated by the Claimant’s son, whether the Claimant was a joint Account Owner (or became the Account Owner following his uncle’s death) or whether the Claimant was himself formerly known as [REDACTED]. It is apparent from a letter from the Bank to the Claimant, dated in 1949, that the Bank treated the Claimant [REDACTED] as an Account Owner, a fact which the Bank confirmed in a letter to the HCPO dated 15 April 1998: “the fact that [the Bank] wrote to [REDACTED] in 1949 about account 4805 indicates that [the Bank] treated [REDACTED] (referring to the Claimant) as the account holder.” In a letter dated 17 February 1999, in relation to account number 1030, the Bank indicated that it was now operating under the assumption that [REDACTED] (the Claimant) had previously used the name [REDACTED]. The relevant passage states: “Unfortunately, we could not locate the information on this account in our initial searches, because we were unaware that [REDACTED] had previously used the name [REDACTED], and the name [REDACTED] is quite a frequent one.”

Second World War and returned to Romania before fleeing to Israel following the rise to power of the Communist Party in Romania. [REDACTED] indicated that [REDACTED] passed away in the late 1970s in Israel.

In support of his claim, the Claimant submitted copies of various documents, which were either in his possession or which were obtained from the Bank on his behalf by the HCPO, that relate to accounts at the Bank. These documents evidence the existence of three accounts held by the Account Owner at the Bank, numbered 4805, 1030 and 20222. The relevant documents include:

- A letter, dated 25 November 1949, from the Bank to the Claimant, in which the Bank confirmed the Claimant's instruction in an undated letter received by the Bank on 22 November 1949, that future correspondence to the Claimant should be sent to his address in Brooklyn, New York, the United States. In this letter, the Bank informed the Claimant that the balance of the account numbered 4805, namely 184.00 Swiss Francs ("SF"), was blocked pursuant to the Swiss law freezing Romanian assets but noted that he should be able to have the block removed if he could prove that his permanent residence was outside Romania.
- A statement from the Bank regarding account 4805 which indicates that, as at 31 December 1949, the account had a balance of SF 181.00.
- A letter from the Bank to the HCPO, dated 15 April 1998, regarding the Claimant's claim, which outlines the results of a comprehensive search of account records and historical documents held at the Bank. The Bank indicated that the Account Owner of numbered account 4805 (which was later changed to 704805 when the Bank adopted a six-digit system for such accounts in the 1960s) was [REDACTED] and confirmed that this numbered account was the same as the one referenced in the Bank's correspondence with the Claimant in 1949. The Bank stated that its records indicated that this account was opened in 1936 and closed on 6 February 1964. According to the Bank, the fact that it wrote to the Claimant in 1949 about account 4805 indicates that it treated the Claimant as the Account Owner. The Bank further stated that:

We have not located any information which suggests that the numbered account was not closed by the account holder in the normal course and we do not interpret your letter to suggest that [REDACTED] (referring to the Claimant) believes otherwise.

The letter further indicates that the Bank had located an entry in a securities account closing ledger from the Bank's head office in Zurich, indicating that a securities (or custody) account numbered 20222 was held by the same Account Owner as the owner of account number 4805 and concluded that the Account Owner was therefore "presumably [REDACTED]." According to the Bank, the ledger states that the custody account numbered 20222 was closed on 18 March 1937.

- An extract of a customer card relating to account number 704805 (formerly 4805), indicating that the account was opened in 1936, the Account Owner's name was

[REDACTED] and that dispositions were to be granted under the name of “[REDACTED]” (*“Dispositionen werden erteilt unter dem Namen “[REDACTED]”*).

- A check from the Bank of America, which indicates that the Account Owner deposited 100.00 United States Dollars (US \$) into bank account 1030, on 16 October 1947.
- A letter, dated 17 February 1999, from the Bank to the HCPO, in which the Bank indicated that, based on the number referenced on the check provided by the Claimant, it had been able to identify an account opened on 14 November 1946 under the name [REDACTED] which was closed on or before June 1956. The Bank stated further that, according to a handwritten note on this card, [REDACTED] informed the Bank in a letter of 9 April 1952 that he had moved to Israel. The Bank also noted that it had not been able to locate this account in initial searches because they “were unaware that Mr. [REDACTED] had previously used the name [REDACTED], and the name [REDACTED] is quite a frequent one.”
- The relationship card pertaining to the account, numbered 1030, opened on 14 November 1946 by [REDACTED], indicating that, at the time the account was opened, the Account Owner lived in Satu Mare, Romania, but that, by 1952, he lived in Israel.

The Claimant indicated that he was born on 8 October 1920 in Satu Mare, Romania.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father, [REDACTED].

Information Available in the Bank’s Records

The Bank’s record consists of an extract from a customer card. According to this record, the Account Owner was Heinrich Katz. The Bank’s record indicates that the Account Owner held an account, the type of which is not indicated, numbered 704805, which was opened in 1936. According to the Bank’s records, dispositions were to be granted under the name of “Lodwig” (*“Dispositionen werden erteilt unter dem Namen “LODWIG”*).

The Bank’s record does not indicate when the account was closed and nor does it indicate the value of the account.⁴

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 any other accounts belonging to Heinrich Katz during their investigation of the Bank. As noted above, the relevant documents relating to the other two accounts held by Heinrich Katz, as well as further information about the account, the type of which is not indicated, numbered 705805, were

⁴ The CRT notes that further information about this account is contained in the letters and other records submitted by the Claimant or by the HCPO on behalf of the Claimant, and described in the preceding section of this Denial.

submitted directly by the Claimant, or were obtained from the Bank by the HCPO on the Claimant's behalf, and were forwarded to the CRT.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name and city and country of residence match the unpublished name and city and country of residence of the Account Owner identified in the Bank's record and in the documents submitted to the CRT by the Claimant or by the HCPO on his behalf. Furthermore, the Claimant's son indicated that the Account Owner moved to Israel at some point after the Second World War, which matches unpublished information contained in the documents submitted to the CRT.

In support of his claim, the Claimant submitted documents, including a letter, dated in 1949, from the Bank to the Claimant, in which the Bank referred to recent correspondence from the Claimant and confirmed the existence of account number 4805; a statement from the Bank regarding account 4805; and a check from the Bank of America, indicating that the Account Owner deposited US \$100.00 into his bank account numbered 1030 in 1947.

Using the documents provided by the Claimant, the Bank confirmed in correspondence described above that the Account Owner was Heinrich Katz who resided in Satu Mare, Romania, thus providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town as the name and city of residence of the Account Owner.

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

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 who lived in Europe during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's uncle. Furthermore, the CRT notes that the correspondence and documents provided to the CRT by the Claimant and the HCPO indicate that the Bank treated the Claimant himself as the Account Owner by 1949. In particular, the letter from the Bank to the Claimant, dated 25 November 1949, indicates that the Bank treated him as the Account Owner of the account numbered 4805 - a fact which the Bank confirmed in its letter, dated 15 April 1998, described above.

There is no information to indicate that the Account Owner has other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record and that the Claimant submitted copies of various Bank records relating to accounts owned by the Account Owner. The CRT notes that it is plausible that such documents are documents which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of a letter from the Bank to himself, [REDACTED], dated in 1949, which notes that he is a Romanian citizen, providing independent verification that the Claimant's relatives bore the same family name and shared the same nationality as the Account Owner. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form.

The Issue of Who Received the Proceeds

With respect to the account, the type of which is not indicated, numbered 4805 and later 704805, the CRT notes that the letter, dated in 1949, from the Bank to the Account Owner refers to correspondence recently received from the Claimant (who was clearly treated as the Account Owner by the Bank) in which the Claimant gave an address in New York as his correspondence address. The CRT therefore determines that the Account Owner had access to this account after 1945 and concludes that the Account Owner closed the account and received the proceeds himself.

With respect to the account, the type of which is not indicated, numbered 1030, the CRT notes that it was opened in 1946 which is outside the Relevant Period, being the period from 1 January 1933 to 31 December 1945, as defined by Article 46 of the Rules Governing the Claims Resolution Process (as amended) (the "Rules"). Pursuant to Article 14 of the Rules, the CRT has jurisdiction to resolve only those claims to Accounts of Victims which were open or opened in Swiss banks during the Relevant Period. Accordingly, this account is outside the CRT's jurisdiction, and the CRT makes no determination regarding its disposition.

With respect to the custody account, numbered 20222, the CRT notes that documents from the Bank provided by the Claimant or obtained by the HCPO on the Claimant's behalf and forwarded to the CRT, indicate that this account was closed on 18 March 1937, at a time when the available documents suggest that the Account Owner was a resident of Romania. The CRT notes that this date is prior to 23 November 1940, which is the date on which Romania became a signatory to the tripartite treaty, pursuant to which it became a member of the Axis alliance. Therefore, the CRT concludes that the Account Owner closed the account and received the proceeds himself.

Right of Appeal

Pursuant to Article 30 of the Rules, the Claimant 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 Special Master Michael Bradfield, 51 Louisiana Ave., NW, Washington, DC 20001 USA.

The Claimant should send appeals in writing to the above address and should include all reasons for the appeal. Appeals submitted without either a plausible suggestion of error or relevant new evidence may be summarily denied.

Scope of the Denial

The Claimant should be aware that, pursuant to Article 20 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 Denial

The CRT certifies this Denial for approval by the Court and by the Special Masters.

Claims Resolution Tribunal
21 September 2005