

CLAIMS RESOLUTION TRIBUNAL

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

Certified Denial

to Claimant [REDACTED]

in re Account of Mendel Katz

Claim Number: 216573/AV¹

This Certified Denial is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Mendel Katz (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All denials are published, but where a claimant has requested confidentiality, as in this case, the name 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 Owner as [REDACTED], the cousin of her father, [REDACTED]. According to the Claimant, her father’s cousin, who was Jewish, resided in Cernauti, Romania (today Chernivitsi, the Ukraine). The Claimant stated that her father’s cousin perished in the Holocaust. The Claimant submitted her passport, indicating that she was born in Romania.

The Claimant indicated that she was born on 26 June 1927 in Cernauti. The Claimant previously submitted two Initial Questionnaires with the Court in 1999, asserting her entitlement to Swiss bank accounts owned by [REDACTED], [REDACTED], [REDACTED], and [REDACTED].²

¹ The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 216495 and 219519, respectively. In a decision dated 7 August 2003, the Court approved an Award to the Claimant for the accounts of [REDACTED]. See *In re Accounts of [REDACTED]*. The CRT will treat the claim to the account of [REDACTED] in a separate decision.

² The CRT did not locate accounts belonging to the Claimant’s relatives, [REDACTED], [REDACTED], or [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources. As noted above, the Court approved an Award to Claimant [REDACTED] for the accounts of [REDACTED]. See *In re Accounts of [REDACTED]*.

Information Available in the Bank's Records

The Bank's records consist of a registry card and printouts from the Bank's database. According to these records, the Account Owner was Mendel Katz, who resided at Str. Suczevei 28 in Czernauti, Romania. The Bank's records indicate that the Account Owner held a safe deposit box, numbered 557, at the Bank in 1939. The Bank's records indicate that the safe deposit box was closed on 12 April 1940. The Bank's records do not indicate the value of the contents of the safe deposit box.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's cousin's name and city and country of residence match the published name and city and country of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that he resided in Cernauti, Romania, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT further notes that the name [REDACTED] appears only once on the February 2001 published list of accounts prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") and determined by ICEP to be probably those of victims of Nazi persecution (the "ICEP List"). Furthermore, the CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by [REDACTED], prior to the publication in February 2001 of the ICEP List. This indicates that the Claimant had reason to believe that her relatives owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner. The CRT notes that the other claims to this account were disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

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 perished in the Holocaust. As noted above, a person named Mendel Katz 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 related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's

father's cousin. The CRT notes that the Claimant identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted a copy of her passport, which provides independent verification that the Claimant bears the same family name as the Account Owner and that she resided in Romania. 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 she has asserted in her Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 12 April 1940. 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 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/s 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 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 Denial

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

Claims Resolution Tribunal
21 September 2005