

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Denial**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2] and [REDACTED 3]

and to Claimant [REDACTED 4]  
also acting on behalf of [REDACTED 5], [REDACTED 6],  
[REDACTED 7], and [REDACTED 8]

## **in re Account of Emilio Oblath and Maria Oblath**

Claim Numbers: 210623/WT; 210624/WT; 212227/WT; 212259/WT

This Certified Denial is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”) and the claims of [REDACTED 4] (“Claimant [REDACTED 4]”) to the published accounts of Emilio Oblath (“Account Owner Emilio Oblath”) and Maria Oblath (“Account Owner Maria Oblath”) (together the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).<sup>1</sup>

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 Claimants**

The Claimants, who are cousins, submitted substantially similar Claim Forms identifying Account Owner Emilio Oblath as their maternal grandfather, Emilio Oblath, who was born on 13 May 1877 in Trieste, Italy, and Account Owner Maria Oblath as their maternal grandmother, Maria Oblath, née Luzzatti, who was born on 30 July 1885 in Turin, Italy. The Claimants indicated that their grandparents were married on 21 May 1911 in Trieste.

Claimant [REDACTED 1] stated that her grandparents, who were Jewish, lived at Via Battisti 18 in Trieste, Italy, from 1920 until 1938. Claimant [REDACTED 4] stated that Emilio Oblath was a businessman who also served at one time as Italian consul to Finland. Claimant [REDACTED

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<sup>1</sup> 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”), Emilio Oblath and Maria Oblath are each indicated as holding one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts, which were jointly held by both Emilio Oblath and Maria Oblath.

1] stated that her grandparents had two daughters, [REDACTED] (Claimant [REDACTED 4]'s mother) and [REDACTED] (Claimant [REDACTED 1]'s mother). The Claimants indicated that after Emilio Oblath died on 20 October 1941, his widow Maria Oblath fled with her children from Italy to Switzerland.

Claimant [REDACTED 1] submitted copies of: (1) her grandfather's birth certificate, issued by the Hebrew Community of Trieste (*Comunita Israelitica di Trieste*), indicating that Emilio Oblath was born on 13 May 1877; (2) her grandparents' marriage certificate, indicating that Emilio Oblath, who was a merchant, and Clara Eugenia Maria Luzzati were married on 21 May 1911; (3) genealogical records issued by the City of Trieste, indicating that Emilio Oblath and Clara Luzzatti had two daughters, [REDACTED], who was born on 4 August 1913, and [REDACTED], who was born on 22 September 1917, and that Emilio Oblath died in Trieste on 20 October 1941; (4) her mother's birth certificate, issued by the Hebrew Community of Trieste indicating that [REDACTED] was born on 4 August 1913 in Trieste to Clara Eugenia Maria Oblath, née Luzzati, and Emilio Oblath; (5) an order from the prefect of the province of Trieste, dated 4 December 1938, stripping Emilio Oblath, son of [REDACTED], of his Italian citizenship because he was Jewish; (6) her grandmother's will, dated 7 July 1952, indicating that the widow Clara Eugenia Maria Luzzati left her estate to her two daughters, [REDACTED], née [REDACTED], and [REDACTED], née [REDACTED]; (7) genealogical records issued by the City of Trieste, indicating that [REDACTED] was married to [REDACTED] and that they had three daughters: [REDACTED], [REDACTED] and [REDACTED]; (8) her mother's death certificate, indicating that [REDACTED] was born on 4 August 1913 in Trieste and died on 29 November 1979 in Trieste; and (9) her father's death certificate, indicating that [REDACTED] was born on 29 October 1905 and died on 20 July 1985.

Claimant [REDACTED 4] submitted copies of: (1) her grandparents' marriage certificate, indicating that Emilio Oblath, who was a merchant, and Clara Eugenia Maria Luzzati were married on 21 May 1911; (2) a certificate, dated 21 February 1923, granting Italian citizenship to Emilio Oblath; (3) her grandparents' passports, bearing their signatures; (4) a certificate issued by the Hebrew Community of Trieste, indicating that Emilio Oblath and Clara Luzzatti were registered as members of the community; (5) genealogical records issued by the City of Trieste, indicating that Emilio Oblath and Clara Luzzatti had two daughters, [REDACTED], who was born on 4 August 1913, and [REDACTED], who was born on 22 September 1917; and (6) genealogical records issued by the City of Trieste, indicating that [REDACTED], who was born on 22 September 1917, was married to [REDACTED], and that they had five children: [REDACTED 6], [REDACTED 7], [REDACTED 8], [REDACTED 5] and [REDACTED 4].

Claimant [REDACTED 1] indicated that she was born on 27 December 1949 in Trento, Italy. Claimant [REDACTED 1] is representing her sisters, [REDACTED 3], née [REDACTED], who was born on 10 September 1940 in Verbania Novara, Italy; and [REDACTED 2], née [REDACTED], who was born on 26 November 1944 in Milan, Italy.

Claimant [REDACTED 4] indicated that she was born on 14 January 1955 in Trieste, Italy. Claimant [REDACTED 4] is representing her siblings: [REDACTED 6], who was born on 29 October 1936 in Trieste; [REDACTED 7], who was born on 16 May 1938 in Trieste;

[REDACTED 8], who was born on 21 June 1941 in Trieste; and [REDACTED 5], who was born on 24 September 1944 in St. Croix, Switzerland.

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

The Bank's records consist of a customer card and printouts from the Bank's database. Pursuant to Article 6 of the Rules, the CRT requested the voluntary assistance of the Bank to obtain additional information about these accounts ("Voluntary Assistance"). The Bank provided the CRT with additional documents, consisting of a joint account contract, a letter from the Account Owners regarding coupon payments, and a receipt indicating the deposit of securities into a custody account on 23 November 1933. These records also contain the Account Owners' signatures.

According to these records, the Account Owners were Emilio Oblath and *Mme.* (Mrs.) Maria Oblath, who resided at Via Cessare Battisti 18, Trieste, Italy. The Bank's records indicate that the Account Owners jointly held a custody account and a United States Dollar ("US Dollar") denominated demand deposit account, both numbered 37093. The Bank's records indicate that the proceeds of the accounts were transferred to an account numbered 31023, held by a different account owner, on 31 May 1935, and that the accounts numbered 37093 were closed on that date. The records do not indicate the value of these accounts upon their closure. The records also do not indicate that the owner of account 31023 was in any way related to the Account Owners.

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

#### Joinder of Claims

According to Article 37(1) 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 four claims of the Claimants in one proceeding.

#### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants' grandparents' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimants identified the Account Owners' street address, which matches unpublished information about the Account Owners contained in the Bank's records.

In support of her claims, Claimant [REDACTED 1] submitted copies of her grandfather's birth certificate, her grandparents' marriage certificate, genealogical records issued by the City of Trieste, her mother's birth certificate, an order dated 4 December 1938 stripping Emilio Oblath of his Italian citizenship because he was Jewish, and her grandmother's will. In support of her claims, Claimant [REDACTED 4] submitted copies of her grandparents' marriage certificate, a

certificate granting Italian citizenship to Emilio Oblath, her grandparents' passports, a certificate indicating that Emilio Oblath and Clara Luzzatti were members of the Hebrew Community of Trieste, and genealogical records. These documents provide independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the names and city of residence of the Account Owners. Claimant [REDACTED 4] also submitted samples of her grandparents' signatures, which match the signature samples contained in the Bank's records. The CRT notes that the names Emilio Oblath and Maria Oblath appear only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List"). The CRT notes that there are no other claims to these accounts.

#### Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and that Account Owner Maria Oblath fled with her children from Italy to Switzerland during the Second World War. Claimant [REDACTED 1] also submitted an order from the prefect of the province of Trieste, dated 4 December 1938, stripping Emilio Oblath of his Italian citizenship because he was Jewish.

#### The Claimants' Relationships to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the Claimants' maternal grandparents. These documents include genealogical records, indicating that Emilio Oblath and Clara Luzzatti had two daughters, [REDACTED] and [REDACTED]. Claimant [REDACTED 1] also submitted genealogical records, indicating that [REDACTED] was married to [REDACTED] and that they had three daughters: [REDACTED 3], [REDACTED 2] and [REDACTED 1]. Claimant [REDACTED 4] also submitted genealogical records, indicating that [REDACTED] was married to [REDACTED], and that they had four children: [REDACTED 6], [REDACTED 7], [REDACTED 8] and [REDACTED 5]. There is no information to indicate that the Account Owners have surviving heirs other than the parties whom the Claimants are representing.

The CRT further notes that the Claimants identified unpublished information about the Account Owners as contained in the Bank's records. The CRT also notes that Claimant [REDACTED 1] submitted a copy of her grandmother's will and that Claimant [REDACTED 4] submitted a copy of her grandparents' passports. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. The CRT further notes that the Claimants submitted copies of genealogical records, which provide independent verification that the Claimants' relatives bore the same family name as the Account Owners and that they resided in Trieste. 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 Claimants as family members, and all of this information supports the plausibility that the Claimants are related to the Account Owners, as they have asserted in their Claim Forms.

### The Issue of Who Received the Proceeds

The Bank's records indicate that the proceeds of the accounts owned by Emilio Oblath and Maria Oblath were transferred to an account numbered 31023, which was held by a different, unrelated account owner, and were closed on 31 May 1935. The CRT notes that the accounts numbered 37093 were closed before the conclusion of Italy's formal alliance with Nazi Germany on 25 October 1936. Accordingly, the CRT concludes that the Account Owners were able to access and control their accounts, and that they received the proceeds of those accounts themselves.

### Right of Appeal and Request for Reconsideration

Pursuant to Article 30 of the Rules, the Claimants may appeal this decision or submit a request for reconsideration within ninety (90) days of the date of the letter accompanying this decision.

An appeal must be based upon a plausible suggestion of error regarding the CRT's conclusions set out in this decision. Any appeals which are submitted without a plausible suggestion of error shall be summarily denied. A request for reconsideration must be based on new documentary evidence not previously presented to the CRT that, if considered, would have led to a different outcome of the claim. Claimants should briefly explain the relevance of the newly submitted documents in view of the conclusions stated in the certified decision.

The Claimants should send appeals and/or requests for reconsideration in writing to the following address: Oren Wiener, Claims Resolution Tribunal, Attention: Appeals / Request for Reconsideration, P.O. Box 9564, 8036 Zurich, Switzerland. If more than one account has been treated in this decision, the Claimant should identify the account, including, where available, the Account Identification Number, that forms the basis of the appeal and/or request for reconsideration.

### **Certification of the Denial**

The CRT certifies this Denial for approval by the Court.

Claims Resolution Tribunal  
3 June 2009