

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Amalie Katz

Claim Number: 207246/PY

Award Amount: 25,858.25 Swiss Francs

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

All awards 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 Form identifying the Account Owner as his mother, Amalia Malka Fenichel, née Katz, who was born on 31 October 1906 in Tarnow, Poland, and was married to [REDACTED] on 10 April 1932 in Tarnow. The Claimant stated that his mother, who was Jewish, resided in Tarnow at Pilsudzkiego 12A until 1939. According to the Claimant, his mother’s family fled due to the Nazi invasion of Poland via Russia to Uzbekistan in 1939, where they remained until the end of the Second World War, before returning to Poland, where they lived until 1950. The Claimant explained that his maternal grandfather, [REDACTED], possessed a Swiss bank account in the early 1930s, which he used to finance the construction of buildings in Poland. The Claimant added that his grandfather may also have opened an account in Switzerland for his mother prior to her marriage. The Claimant stated that his grandfather died of natural causes in approximately 1939 or 1940. The Claimant stated further that his father, [REDACTED], died on 6 January 1985 and that his mother died on 6 September 1992 in Tel-Aviv, Israel. The Claimant stated that he is the only child of [REDACTED] and Amalia Fenichel. In support of his claim, the Claimant submitted his parents’ marriage certificate and his own birth certificate, both of which indicate that his mother was Amalia Fenichel, née Katz, and a copy of a Polish court ruling dated 26 September 1993, confirming that the Claimant is his mother’s sole heir, and in which his mother is referred to as “Amalii.” The Claimant indicated that he was born on 1 June 1933 in Tarnow.

Information Available in the Bank's Records

The Bank's records consist of extracts from suspense account ledgers. According to these records, the Account Owner was *Frl.* (Miss) Amalie Katz, whose place of domicile and nationality is not indicated in the Bank's records. The Bank's records indicate that the Account Owner held one savings/passbook account numbered 6378. The account was transferred on or before 16 July 1949 to a suspense account. The amount in the account on the date of its transfer is 2,208.80 Swiss Francs (SF).

The Bank's records do not show when the account at issue was closed, or to whom it was paid. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. 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's mother's maiden name matches the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In support of his claim, the Claimant submitted his parents' marriage certificate, as well as his own birth certificate, both of which indicate his mother's maiden name as Amalia Katz, and a copy of a Polish court ruling dated 26 September 1993, confirming that the Claimant is his mother's sole heir, and in which his mother is referred to as "Amalii." The CRT notes that there is a slight discrepancy in the spelling of the Claimant's mother's and the Account Owner's first names. However, the documents submitted by the Claimant indicate that there are several variations in spelling of the Claimant's mother's first name. The CRT also notes that the name Amalie Katz only appears once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution. The CRT further notes that the other claims to this account were disconfirmed because those claimants provided different maiden names than the maiden name 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 she was forced to flee Poland via Russia to Uzbekistan in 1939 to escape the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his own birth certificate, which indicates that his mother was Amalia Fenichel. 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 Owner held one savings/passbook account numbered 6378. The account was transferred on or before 16 July 1949 to a suspense account. Given that the Account Owner and her family fled Poland in 1939 via Russia to Uzbekistan, where they remained until the end of the War; that the Account Owner remained within Communist Poland after the War and at least until her account was transferred to a suspense account in 1949; that there is no record of the payment of the Account Owner's account to her; that the Account Owners and her heirs would not have been able to obtain information about his accounts after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquires by account owners because of the Banks' concern regarding double liability; and given the application of Presumptions (h), (i) and (j), as provided in Article 28 of Rules Governing the Claim 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. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Finally, 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 savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 16 July 1949 was SF 2,208.80. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 75.00, which reflects standardized bank fees charged to the account between January 1945 and July 1949. This amount is reduced by SF 215.14 to reflect interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is SF 2,068.66. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 25,858.25.

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 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 Award

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

Claims Resolution Tribunal
8 August 2004