

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Mordechai Katz
also acting on behalf of Zvi Katz and Asher Katz

in re Account of Peretz Katz

Claim Number: 217707/AC

Award Amount: 287,500.00 Swiss Francs

This Certified Award is based upon the claim of Mordechai Katz (the “Claimant”) to the unpublished account of Peretz Katz (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).¹

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his paternal uncle, Peretz Katz, who was born on 16 February 1902 in Kuti, Poland (now Kutu, Ukraine), and was married to Berta Katz, née Horowitz. According to the Claimant, his uncle, who was Jewish, lived in Germany for almost 20 years, and that he traveled on occasion to Switzerland, and that he therefore held bank accounts in both Germany and Switzerland. The Claimant indicated that, between 1934 and 1939, his uncle resided at Weydungerstrasse 8 in Berlin, where he owned a textile business and a furniture factory. The Claimant indicated that his aunt and uncle had two children, Ruth and Manfred, and that in 1939 the whole family was deported to the Kolomyja concentration camp in Poland, where they perished in 1942. The Claimant indicated that his uncle and his father, Isaak Katz, were the only children of Baruch and Gittel Katz, and that his father had three children: the Claimant and his two siblings, Asher and Zvi, whom he is representing.

¹ The CRT notes that the Claimant indicated that his uncle held two accounts, numbered 1828 and 5853, with the Bank. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of only one account, custody account 5853. A handwritten notation on the Bank’s record makes reference to the numbers 1828 and 5853 and the word “account” in Hebrew. It is unclear when this notation was made, but the use of Hebrew suggests that it was made by someone other than a bank employee. The CRT therefore determines that there is only sufficient evidence to award the custody account numbered 5853, which is referenced in the text of the document.

The Claimant submitted a copy of a postcard, dated 18 June 1939, addressed to Isak Katz and signed by Peretz Katz, indicating that Isak and Peretz were brothers, that Peretz Katz lived in Berlin, and that he and his family were being forced to leave Berlin for Kolomyja. The Claimant also submitted a telegram sent from Peretz Katz to Isak Katz, dated 28 November 1939, while Peretz Katz was interned in Kolomyja, asking Isak Katz to inquire regarding an immigration certificate to Palestine. In addition, the Claimant submitted correspondence between his uncle's attorney, Rosa Ginzberg, who was located in Jerusalem, Palestine (now Israel) and the British Consulate in Switzerland (dated 30 June 1933), and the Palestinian Department of Immigration (dated 30 June 1933 and 21 November 1933), regarding Peretz Katz's application for an immigration certificate to Palestine. According to these letters, Peretz Katz was a Polish citizen from Kalomya, Poland, who had resided in Germany for many years. These letters indicate that Peretz Katz and his business partner owned a furniture factory in Germany, and that he was applying for an immigration visa to Palestine. These letters also indicated that Peretz Katz was planning on returning to Germany from Palestine in early July 1933. According to these letters, in compliance with British requirements at that time that prospective immigrants to Palestine own capital worth no less than 1,000.00 Pound Sterling, as of 30 June 1933, Peretz Katz's attorney indicated that he had 23,000.00 Swiss Francs ("SF") deposited in his name at the Bank in Zurich, as well as substantial property holdings in Germany. A copy of a letter, dated 20 June 1934, indicates that Peretz Katz, residing at Weydungerstr. 8 in Berlin, could pick up immigration certificates for himself and his family in Trieste, Italy. These four documents were included with a later letter from Rosa Ginzberg to Mr. I. Katz, dated 2 July 1939, apparently in response to an inquiry from I. Katz regarding Peretz Katz's visa application. In this letter, Rosa Ginsburg confirmed that she had applied for an immigration visa on behalf of Peretz Katz, who was I. Katz's brother, and that she sent him a certificate on 20 June 1934. She also confirmed that Peretz Katz had SF 23,000.00 at the Zurich branch of the Bank, and indicated that it was likely that these funds remained in Switzerland, as Peretz Katz never relocated to Israel.

The Claimant also submitted a copy of later correspondence from the Palestinian Department of Immigration to his uncle's attorney, Rosa Ginzberg, dated 8 August 1939, indicating that Rosa Ginzberg had written to the Palestinian Department of Immigration on 2 August 1939, inquiring about Peretz Katz's application for an immigration certificate, and indicating that his application had been received and noted for consideration.

The Claimant further submitted an unsigned release form issued by the Bank, which appears to have been sent from the Bank to the Claimant. This form, which was the Bank's standard form for the closure of custody accounts, indicates that Peretz Katz held a custody account at the Bank, numbered 5853.

Finally, the Claimant submitted Pages of Testimony for Peretz Katz submitted by his father, Isak Katz, and Peretz Katz's brother-in-law, Shimon Horwitz, to the Yad Vashem Memorial in Israel in 1955 and 1957, indicating that Peretz Katz, who perished in Kolomya, was the brother of Isak Katz and the uncle of Zvi Katz.

The Claimant indicated that he was born on 10 September 1939 in Haifa, Israel (then Palestine). The Claimant is representing his siblings, Asher Katz and Zvi Katz, who were born on 26 August 1941 and 20 October 1945, respectively, both in Haifa.

The Claimant previously submitted two Initial Questionnaires (“IQs”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Peretz Katz or Berta Katz, née Horowitz.

Information Available in the Bank’s Record

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 an account belonging to Peretz Katz during their investigation of the Bank. As indicated above, the Bank’s record was obtained by the Claimant and 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 matches the unpublished name of the Account Owner.

In support of his claim, the Claimant submitted documents, including a copy of a postcard, dated 18 June 1939, a copy of a telegram, dated 28 November 1939, and copies of correspondence between his uncle’s attorney, the British Consulate in Switzerland, and the Palestinian Department of Immigration, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank’s record as the name of the Account Owner.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Peretz Katz, and indicates that he was born in 1903 in Kutu and that he resided in Berlin, Germany and in Poland, which substantially matches 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, on the

The CRT notes that there are no other claims to this account.

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 and his family were deported from Germany to the Kolomyja concentration camp in 1939, where they perished in 1942. The Claimant also submitted copies of a postcard, dated 18 June 1939, sent by his uncle prior to being deported to Kolomyja and a telegram, dated 28 November 1939, sent by his uncle while he was interned at Kolomyja. In addition, the Claimant submitted Pages of Testimony which were submitted by his relatives to the Yad Vashem Memorial, indicating that Peretz Katz

perished in Kolomyja. As noted above, a person named Peretz Katz was included in the CRT's database of victims.

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, demonstrating that the Account Owner was the Claimant's uncle.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record, and that the Claimant also identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted copies of his uncle's correspondence and his uncle's attorney's correspondence, as well as Pages of Testimony in memory of Peretz Katz submitted by his family members to the Yad Vashem Memorial in Israel. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and that they provide independent verification that the Claimant's relatives bore the same family name 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.

There is no information to indicate that the Account Owner has surviving heirs other than the parties which the Claimant is representing.

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Nazi Germany until 1939, when he was deported to Kolomyja, where he perished; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims 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 his 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 uncle, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one custody account. Correspondence from the Account Owner's attorney indicates that the value of the custody account as of 30 June 1933 was SF 23,000.00. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is SF 287,500.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his two siblings, Zvi Katz and Asher Katz. Accordingly, the Claimant and his two siblings are each entitled to one-third of the total award amount.

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
10 August 2005