

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Maria Klaric

Claim Number: 212358/HS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Maria Klaric (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 adoptive mother, Maria (or Marija) Klaric, née Latzko (or Lacko), who was born on 5 April 1880 in Dakovo, Yugoslavia (now Croatia), and who was married to [REDACTED]. The Claimant explained that Maria Klaric was his great-aunt (the sister of his maternal grandmother), and that she and her husband adopted the Claimant on 15 November 1935, following the divorce of his natural parents, [REDACTED], née [REDACTED], and [REDACTED], since the Claimant’s great-aunt and great-uncle could not have children. The Claimant stated that his adoptive parents were prominent merchants who owned a prosperous textile shop in Krizevci, Yugoslavia (now Croatia), located at Zakamardijeva 2, where they also resided. The Claimant stated that his adoptive father died of heart disease in December 1936. According to the information provided by the Claimant, his adoptive mother opened a Swiss bank account “as an emergency escape” in view of the approaching Nazi threat before the Second World War. The Claimant stated that his adoptive mother, who was Jewish, was arrested by the local Nazis (*Ustaša*) in the summer of 1943, and was deported to the Jasenovac-Nova Gradiska concentration camp, where she perished on 1 July 1943. The Claimant indicated that he is Maria Klaric’s only child and heir, and that he was born on 11 October 1931 in Krizevci.

The Claimant submitted numerous documents, including two certificates from the Israeli Ministry of the Interior and his own birth certificate, indicating that the Claimant was formerly named [REDACTED], that he was born in Krizevci to [REDACTED] and [REDACTED], and that he changed his name to [REDACTED] in 1956; a written agreement, dated 15 September 1935 in Krizevci, and correspondence from an attorney, dated 15

November 1935, also in Krizevci, indicating that [REDACTED] adopted the Claimant; an extract from the Krizevci register of deaths, indicating that Marija Klaric perished on 1 July 1943 in Jasenovac-Nova Gradiska; and a document, dated 20 September 1960, from the International Tracing Service of the International Committee of the Red Cross, indicating that the Claimant emigrated from Italy to Palestine on 26 March 1945, and that his former name was [REDACTED].

Additionally, the Claimant submitted a sworn statement from his maternal aunt, [REDACTED], née [REDACTED], signed and dated 3 August 2000, indicating that she and her sister [REDACTED] grew up in the house of their aunt and uncle, Marija and [REDACTED] Klaric; that [REDACTED] was the natural mother of the Claimant; that Marija and [REDACTED] Klaric adopted the Claimant; that Marija Klaric, who was Jewish, was deported in the summer of 1943 to the concentration camp Jasenovac-Nova Gradiska, where she was declared dead on 1 July 1943; and indicating that the Claimant was the heir to Marija Klaric's real estate located in Krizevci. Finally, the Claimant submitted an inheritance certificate from the District Rabbinical Court in Tel-Aviv, Israel, dated in 1996, indicating that the Claimant is the sole heir of [REDACTED], who passed away on 12 May 1994.

Information Available in the Bank's Records

The Bank's records consist of account cards, a list prepared in connection with a 1959 internal Bank survey of dormant accounts; a list prepared in connection with a Bank survey conducted in accordance with a Federal decree in 1962 (the "1962 Survey") listing assets held in Switzerland by foreigners or stateless persons who were believed to have been victims of racial, religious or political persecution); and printouts from the Bank's database.¹ According to these records, the Account Owner was *Mademoiselle* or *Fräulein* (Miss) Maria Klaric from Krizevci, Croatia.

The Bank's records indicate that the Account Owner held a demand deposit account that was opened on 10 October 1940 and was assigned the number PO 268,014 at some later date. These records indicate that in 1959 the balance of the account was 94.50 Swiss Francs, and that on 15 November 1963 the balance was 77.00 Swiss Francs. According to these records, the account was closed on 26 January 1971. The amount in the account on the date of its closure is unknown. 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 adoptive mother's name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the Bank's records identify the Account Owner as "Miss", whereas the Claimant's adoptive mother was married. However, the Bank's records contain only documents that were created after 1940, when the Account Owner may not have been present to provide the Bank with her correct form of address. Moreover, the Claimant submitted documents naming Maria Klaric and identifying her

¹ The CRT notes that the name of the Account Owner was not registered by the Bank in the 1962 Survey.

residence as Krizevci, including an extract from the Krizevci register of deaths and a sworn statement from the Claimant's maternal aunt. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same city recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that there are no other claims to this account. Taking all 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 provided documents, including an extract from the Krizevci register of deaths and a sworn statement from the Claimant's maternal aunt, indicating that the Account Owner was deported to the Jasenovac-Nova Gradiska concentration camp, where she perished.

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 indicating that he came from Krizevci, that his former surname was [REDACTED] and identifying Marija Klaric as his adoptive mother and maternal great-aunt. These documents include two certificates from the Israeli Ministry of the Interior; the Claimant's own birth certificate; a written agreement, dated 15 September 1935 in Krizevci; correspondence from an attorney, dated 15 November 1935 in Krizevci; and a sworn statement from the Claimant's maternal aunt. There is no information to indicate that the Account Owner has other surviving heirs who filed a claim.

The Issue of Who Received the Proceeds

Given that the Account Owner was arrested by the *Ustaša* in the summer of 1943 and was deported to Jasenovac-Nova Gradiska concentration camp, where she perished; that surveys conducted by the Bank in 1959 and 1963 listed the account as open and dormant; that the account was closed on 26 January 1971; that there is no record of the payment of the Account Owner's account to her heirs; that the Account Owner's heirs would not have been able to obtain information about her 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 and their heirs because of the banks' concern regarding double liability; and given the application of Presumptions (b), (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 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 adoptive mother and maternal great-aunt, and those relationships justify 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 demand deposit account. The Bank's records indicate that the value of the account in 1959 was 94.50 Swiss Francs. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 225.00 Swiss Francs, which reflects standardized bank fees charged to a demand deposit account between 1945 and 1959. Consequently, the adjusted balance of the demand deposit account is 319.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 26,750.00 Swiss Francs.

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
29 June 2004