

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

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

in re Account of Rosa Jacobson-Granaat

Claim Number: 501749/GO

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (the “Claimant”) to the published accounts of Rosa Jacobson-Granaat (the “Account Owner”) at the Lausanne 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 her great-aunt, Rosa Jacobson, née Granaat, who was born on 19 May 1888 in Amsterdam, the Netherlands, and was married to Abraham Simeon Jacobson in Amsterdam. The Claimant stated that Rosa Jacobson was the sister of the Claimant’s maternal grandfather, [REDACTED]. The Claimant further stated that her great-aunt and her husband, who was a medical specialist who also had a practice at home, had resided at Minervalaan 88, Apollolaan 103, and Herengracht 512 in Amsterdam. The Claimant indicated that the couple had one adopted daughter, [REDACTED], who was born on 5 June 1924 and died in 1990. In email correspondence with the CRT on 12 October 2006, the Claimant further indicated that her great-aunt and her husband, who were Jewish, had tried to hide on a farm during the Second World War, but were discovered and deported to Westerbork and subsequently to Auschwitz on 3 September 1944; the Claimant stated that they both perished at Auschwitz on 6 September 1944. According to the Claimant, her maternal grandfather, [REDACTED], is deceased and her mother, [REDACTED] died on 3 July 1972. The Claimant stated that her mother had three daughters: (1) [REDACTED], who died on 6 May 1989, (2) the Claimant, and (3) [REDACTED 2], whom she is representing.

The Claimant indicated that the Advisory Committee for the Assessment of Restitution Applications for Items of Cultural Value and the Second World War (“*Adviescommissie Restitutieverzoeken Cultuurgoederen en Tweede Wereldoorlog*”) (“Restitution Committee”)

decided in 2006 to return a valuable painting that had belonged to Rosa Jacobson, née Granaat, to the Claimant and the represented party, [REDACTED 2].¹ The Claimant indicated that she and her sister, whom she represents, are the only surviving heirs of her great-aunt.

The Claimant submitted documents in support of her claim, including: (1) her passport from the Netherlands indicating that her surname was [REDACTED]; (2) her mother's passport, indicating that her maiden name was [REDACTED] and that she was from the Netherlands; (3) her parents' marriage certificate from Laren, the Netherlands, indicating that [REDACTED] and [REDACTED] were married and that [REDACTED] was the daughter of [REDACTED]; and (4) a report of the Restitution Committee, issued on 6 March 2006, providing extensive details about the [REDACTED] family's fate during and after the Second World War, and indicating that Rosa Jacobson-Granaat was Jewish, that she was born on 19 May 1888 in Amsterdam, that she was married to [REDACTED], that [REDACTED] was her brother, that [REDACTED] was her adopted daughter, that [REDACTED] was her niece, and that Rosa Jacobson-Granaat and [REDACTED] perished on 6 September 1944 in Auschwitz.

The Claimant indicated that she was born on 3 April 1958 in Laren, the Netherlands. The Claimant is representing her sister, [REDACTED 2], who was born on 27 February 1956 in Hilversum, the Netherlands.

Information Available in the Bank's Records

The Bank's records consist of documents concerning the registration of assets belonging to Rosa Jacobson-Granaat, minutes from the forced opening of a safe deposit box, and printouts from the Bank's database. According to these records, the Account Owner was *Madame* (Mrs.) Rosa Jacobson-Granaat, a Dutch citizen who resided at *Villa-t Kopje* in Zandvoort, the Netherlands and at Erta Canina 46 in Florence, Italy. The Bank's records indicate that the Account Owner held one custody account, one demand deposit account and one safe deposit box.

In addition, the Bank's records indicate that the account was reported by the Bank in the course of the 1962 survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree of 1962 (the "1962 Survey"). 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") included records regarding the registration of these accounts in the 1962 Survey.

These records also indicate that the Account Owner came to the Bank as a client per the recommendation of Mr. van Wesel of Brussels, Belgium who was deceased as of the 1962 Survey. These records also indicate that 100 shares of *Royal Dutch Co.* stock were held in the custody account, the combined value of which was 20,350.00 Swiss Francs ("SF"), and that the amount in the demand deposit account was SF 6,610.70 as of 1 September 1963. Furthermore,

¹ The CRT notes that the restitution of this painting was a result of a fact-finding investigation on the Jewish art objects, which were possibly confiscated by the Nazis during the Second World War. See <http://www.restitutiecommissie.nl/>.

these records indicate that the value of the contents of the safe deposit box was unknown as the Bank did not have the expertise to value them. According to Bank's records, the safe deposit box, number 1421, was forced open by the Bank on 23 December 1963, and contained the following items:

1. A case and a purse in ivory; the purse bearing the word "souvenir";
2. A jewellery box containing a bracelet with diamonds and a broach, with an identification tag bearing the name "Rosa";
3. A case containing a knife and a fork, with mauve stone handles;
4. A comb with a tiara;
5. A golden case for business cards and a rectangular golden case;
6. A case containing a ring with diamonds;
7. A diamond broach with a small pendant in a jewel case; and
8. A small handkerchief.

The Bank's records further indicate that the last contact with the Account Owner was in February 1939 and that the Account Owner perished in Auschwitz on 6 September 1944. According to the Bank's records, the Account Owner's heirs, [REDACTED] and [REDACTED], were located in 1970. The Bank's records indicate that [REDACTED] was the Account Owner's niece and resided at Graafland 26 in Laren, the Netherlands, and that [REDACTED] was the Account Owner's adopted daughter who resided in Malta. A notation in the Bank's records indicates that assets belonging to the Account Owner were transferred to the heirs. 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") reported that while the custody and demand deposit accounts appear to have been paid to the heirs, it is unclear why the contents of the safe deposit box were not remitted to the heirs. The auditors further indicated that the contents of the safe deposit box remain in the custody of the Bank.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-aunt's name, title, and country of residence match the published name, title, and country of residence of the Account Owner. The Claimant identified the Account Owner's date of death, the names of the Account Owner's heirs, the city of residence of one of the heirs, and the relationships of the heirs to the Account Owner, which match unpublished information about the Account Owner contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including a copy of a Restitution Committee's report, providing independent verification that the person who is claimed to be the Account Owner had the same name, same country of residence, same date of death, and had the same heirs as recorded in the Bank's records as the name, country of residence, date of death, and heirs of the Account Owner. Additionally, the CRT notes that a database containing the

names of victims of Nazi persecution includes a person named Rosa Jacobson, and indicates that her date of birth was 19 May 1888 and place of birth was Amsterdam, the Netherlands, 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 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, that she resided in the Netherlands under Nazi occupation, that she went into hiding and was subsequently deported to Westerbork and then to Auschwitz, where she and her husband perished on 6 September 1944. The Claimant also submitted the Restitution Committee's report indicating that the Account Owner was Jewish, that assets belonging to the Account Owner were confiscated by the Nazis and that she perished in Auschwitz. As noted above, a person named Rosa Jacobson 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 information and documents, demonstrating that the Account Owner was the Claimant's great-aunt. These documents include copies of: (1) her passport indicating that her family name was [REDACTED]; (2) her mother's passport indicating that her mother's maiden name was [REDACTED]; (3) her parents' marriage certificate, indicating that [REDACTED] was the daughter of [REDACTED] and that she was married to [REDACTED]; and (2) the Restitution Committee's report, indicating that [REDACTED] and [REDACTED] were the brother and niece of Rosa Jacobson-Granaat, respectively. There is no information to indicate that the Account Owner has surviving heirs who have submitted claim forms, other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the custody and demand deposit accounts were paid to the heirs of the Account Owner. The Bank's records indicate that the contents of the safe deposit box remain in the custody of the Bank.

The CRT notes that although the Bank's financial obligations to the claimants were fulfilled through payment of the Settlement amount, in the past, the Bank, upon learning that the CRT had received claim forms from claimants who definitely identified the Account Owners as their relatives, expressed its desire to return the contents of the safe deposit box to the claimants as a gesture of good will.² Should the Bank and the Claimant desire in this case to pursue this course of action in the same manner, the CRT is prepared to facilitate arrangement between the Claimant and the Bank.

² See, e.g., *In re Account of Malvine Fischl and Martha Reichmann* (approved on 14 December 2005).

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 Governing the Claims Resolution Process (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner was her great-aunt, and that relationship justifies an Award. Third, the CRT has determined 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 safe deposit box account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a safe deposit box account was SF 1,240.00. The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 15,500.00.

The CRT notes that in other cases, restitution previously received by the Account Owner or his or her heirs has been deducted from the award amount, but also in other similar cases the Bank has expressed its intent to return the remaining contents of the safe.³ This case differs from those cases, however, in that the Claimant did not receive restitution from the Bank prior to the conclusion of the Settlement Agreement and the contents of the safe were not remitted in 1970 upon location of the heirs. Any possible Bank’s intention to return the contents of the safe to the heirs would constitute a gesture of goodwill, not legal obligation. In the past, the CRT has only deducted payments made to claimants prior to the conclusion of the Settlement Agreement, not those based on goodwill or upon services to the class.⁴ Therefore, the CRT concludes that it is not appropriate to deduct any amount from the award based upon any possible return of the safe’s contents in the future.

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 and the represented party, [REDACTED 2], are the surviving daughters of the Account Owner’s niece. Accordingly, the Claimant and the represented party, [REDACTED 2], are each entitled to one-half 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 her claim to determine whether there are additional Swiss bank accounts to

³ Id.

⁴ See, e.g., *In re Account of Bernhard Deligdisch* (approved on 11 April 2005).

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 Award

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

Claims Resolution Tribunal
23 April 2007