

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]

to Claimant [REDACTED 3]
also acting on behalf of [REDACTED 4] and [REDACTED 5]

and to Claimant [REDACTED 6]

in re Account of S. F. Rabinowitz

Claim Numbers: 003874/MBC; 005261/MBC; 210010/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED 1], (“Claimant [REDACTED 1]”) and [REDACTED 3], formerly [REDACTED 3] (“Claimant [REDACTED 3]”), to the published account of S.F. Rabinowitz and the claim of [REDACTED 6], formerly [REDACTED 6] (“Claimant [REDACTED 6]”), (together the “Claimants”) to the account of Bruno Rabinowitz.¹ This Award is to the published account of S. F. Rabinowitz (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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her great-grandfather, Solomon (Shraga) Feivel (Feibel) Rabinowitz, who was born in Bielsko (Bielitz), Poland (today Bielsko-Biala), and was married to [REDACTED]. Claimant [REDACTED 1] indicated that her great-grandparents, who were Jewish, lived at Mickiewiczza 33 in Bielsko, where her great-grandfather owned a factory, called *Feivel Rabinowitz & Sons*, which produced cloth. Claimant [REDACTED 1] further indicated that her great-grandparents had at least two children: [REDACTED] (Claimant [REDACTED 1]’s maternal grandfather), who was born on

¹ In a separate decision, the CRT treated the Claimants’ claims to the account of Bruno Rabinowitz. See *In re Account of Bruno Rabinowitz* (approved 20 October 2006).

17 August 1885; and [REDACTED] (Claimant [REDACTED 1]'s great-uncle). Claimant [REDACTED 1] indicated that she did not know what happened to her great-grandparents after 1933. In a telephone conversation with the CRT on 14 October 2002, Claimant [REDACTED 1] stated that her parents and her maternal grandparents emigrated to Palestine (today Israel) in 1947.

In support of her claim, Claimant [REDACTED 1] submitted copies of documents, including: 1) her grandfather's will, dated in 1982, indicating that [REDACTED] named his daughter, [REDACTED 2], as his sole heir and specified that his granddaughter [REDACTED 1] would be his sole heir in the event that his daughter predeceased him; 2) her mother's Israeli passport and identity card, issued in 1982 and 1984, respectively, indicating that [REDACTED 2], née [REDACTED 2], was born on 8 October 1918 in Poland and that her parents were [REDACTED] and [REDACTED]; 3) her grandfather's death certificate, indicating that [REDACTED], who was born on 17 August 1885, who was Jewish, and whose father was Shraga Rabinowitz, died in Jerusalem, Israel, on 20 February 1989; and 5) her own Israeli passport and identity card, issued in 1993 and 1994, respectively, indicating that [REDACTED 1], née [REDACTED 1], was born on 16 January 1953 in Israel, and that her parents were [REDACTED] and [REDACTED 2].

Claimant [REDACTED 1] indicated that she was born on 1 January 1953 in Israel. Claimant [REDACTED 1] is representing her mother, [REDACTED 2], who was born on 8 October 1918 in Poland.

Claimant [REDACTED 3]

Claimant [REDACTED 3], who is Claimant [REDACTED 1]'s cousin, submitted a Claim Form identifying the Account Owner as his paternal grandfather, Shraga Feivel (Phoebus) Rabinowitz, who was born in Bielsko and was married to [REDACTED], née [REDACTED], on 4 April 1874. Claimant [REDACTED 3] indicated that his grandparents, who were Jewish, lived at Mickiewicza 33 in Bielsko, where his grandfather was an industrialist, and that they had nine children: [REDACTED]; [REDACTED]; [REDACTED] (Claimant [REDACTED 3]'s father); [REDACTED] (his father's twin, who had a child named [REDACTED 6]); [REDACTED]; [REDACTED]; [REDACTED]; and two others who Claimant [REDACTED 3] did not name. Claimant [REDACTED 3] indicated that his grandfather died before 1933.

In a telephone conversation with the CRT, on 14 October 2002, Claimant [REDACTED 3] indicated that his father and one of his father's brothers perished during the Holocaust. Claimant [REDACTED 3] further indicated that his father's remaining seven siblings all emigrated to Israel.

Claimant [REDACTED 3] indicated that he was born on 9 June 1922 in Krakow, Poland. Claimant [REDACTED 3] is representing his cousins [REDACTED 4], formerly [REDACTED 4], and [REDACTED 5], née [REDACTED 5], who are the children of his paternal uncle [REDACTED].

Claimant [REDACTED 6]

Claimant [REDACTED 6], who is the cousin of Claimant [REDACTED 1] and Claimant [REDACTED 3], submitted a Claim Form identifying the Account Owner as his paternal grandfather, Fabius Rabinowitz, who was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 6] indicated that his family is Jewish. Claimant [REDACTED 6] further indicated that his grandparents had at least one child: [REDACTED], Claimant [REDACTED 6]'s father, who was born on 8 June 1890 in Bielitz, and was married to [REDACTED], née [REDACTED], on 29 December 1918 in Vienna, Austria. Claimant [REDACTED 6] indicated that his parents fled Austria in 1934 because of the assassination of Chancellor Dollfuss and the rise of National Socialism, and that they emigrated to Haifa, Palestine (now Israel), where his mother died in 1958 and his father died in 1968. Finally, Claimant [REDACTED 6] indicated that he is his parents' only child and heir.

In support of his claim, Claimant [REDACTED 6] submitted documents, including: 1) his father's birth certificate, indicating that [REDACTED] was born on 8 June 1890 in Bielitz and that his parents were Faibus Rabinowitz, who was a merchant, and [REDACTED], née [REDACTED]; 2) his parents' marriage certificate, indicating that [REDACTED] (who was born on 8 June 1890 in Bielitz to Fabius Rabinowitz and [REDACTED], née [REDACTED]) and [REDACTED], who were Jewish, were married on 29 December 1918 in Vienna; 3) his own birth certificate, indicating that [REDACTED 6] was born on 31 July 1922 in Vienna to Berisch [REDACTED] and [REDACTED], née [REDACTED]; 4) his father's will, dated 18 June 1958, indicating that [REDACTED], who resided in Haifa, named his son [REDACTED 6] as his sole heir and executor of his estate; and 5) a letter from the Immigration and Naturalization Service ("INS") in California, the United States, indicating that [REDACTED 6] changed his name to [REDACTED 6] in 1963.

Claimant [REDACTED 6] indicated that he was born on 31 July 1922 in Vienna.

Information Available in the Bank's Record

The Bank's record consists of a list of dormant accounts. According to this record, the Account Owner was S. F. Rabinowitz. The Bank's record does not indicate the Account Owner's domicile.

The Bank's record indicates that the Account Owner held one account, the type of which is not indicated. The Bank's record further indicates that the account was transferred to a suspense account some time before 1955 and that it was closed to fees and charges on 30 June 1964. The Bank's record does not indicate the value of the account on the date of its closure. 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") indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Joinder of Claims

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

Identification of the Account Owner

The Claimants' relative's initials and surname match the published initials and surname of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his initials and surname.

In support of their claims, the Claimants submitted documents, including Claimant [REDACTED 6]'s father's birth certificate and marriage certificate and Claimant [REDACTED 1]'s grandfather's death certificate, providing independent verification that the person who is claimed to be the Account Owner had the same surname recorded in the Bank's record as the surname of the Account Owner and that his first names corresponded to the Account Owner's initials.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that he was born on 8 June 1890 in Bielsko, to Shraga Feivel and [REDACTED], that he was an industrialist in Bielsko where he owned a cloth factory called *F. Rabinowitz & Sons*, and that he was shot by the Germans in Stryj, Poland, in 1942 or 1943, which matches the information provided by the Claimants. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The entries regarding [REDACTED] consist of pages of testimony submitted by an acquaintance in 1956, by his brother [REDACTED] in 1957, and by his son [REDACTED 3] in 1955, 1971, 1995, and 1999. The CRT further notes that the database also includes a person named [REDACTED], who was born in approximately 1897 in Baranowicz, Poland,² to [REDACTED] and Shraga Feivel Rabinowitz, and perished in the Baranowicz ghetto in 1942, which matches information provided by the Claimants.

The CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimants have plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

The CRT notes that the Account Owner was not a Victim of Nazi Persecution. However, the Account Owner's children, who were his direct heirs, and their families were Victims of Nazi Persecution. The Claimants stated that the Account Owner's children were Jewish, and that two of them, including Claimant [REDACTED 3]'s father, perished in the Holocaust. Furthermore,

² The CRT notes that Baranowice, Poland, is approximately 20 kilometers from Bielsko-Biala, Poland.

Claimant [REDACTED 1] indicated that another of the Account Owner's children did not emigrate from Europe until after the Second World War.

As noted above, persons named [REDACTED] and [REDACTED], whose father was Shraga Feivel Rabinowitz, were included in the CRT's database of victims.

The Claimants' Relationships to the Account Owner

The Claimants have plausibly demonstrated that they are related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the great-grandfather of Claimant [REDACTED 1], and the paternal grandfather of Claimant [REDACTED 6] and Claimant [REDACTED 3]. Claimant [REDACTED 1] submitted her grandfather's will, indicating that her grandfather was [REDACTED], and death certificate, indicating that [REDACTED]'s father was Shraga Rabinowitz. Claimant [REDACTED 6] submitted his own birth certificate, a letter relating to his name change, and his father's will, indicating that his father was [REDACTED]; and his father's birth certificate and marriage certificate, indicating that [REDACTED]'s father was Faibus (Fabius) Rabinowitz.

The CRT further notes that Claimant [REDACTED 3] submitted testimony to Yad Vashem in 1955, 1971, 1995, and 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 3], prior to the publication in February 2001 of the list of accounts determined by the ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"); that the Claimants also identified information which matches information contained in the Yad Vashem records derived from other sources, including testimony from the Account Owner's son [REDACTED] (Claimant [REDACTED 1]'s grandfather); and that the information submitted by Claimant [REDACTED 3] matches the information submitted by Claimant [REDACTED 1] and Claimant [REDACTED 6].

There is no information to indicate that the Account Owner has other surviving heirs apart from the Claimants and the parties they are representing.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed to fees and charges on 30 June 1964.

Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 3], Claimant [REDACTED 6], and represented parties [REDACTED 4], [REDACTED 5], and [REDACTED 2]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was the grandfather of Claimant [REDACTED 3], Claimant [REDACTED 6], and represented parties Arthur Rowe, [REDACTED 5], and [REDACTED 2], and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Further, the CRT notes that represented party [REDACTED 2], as the Account Owner's granddaughter, has a better entitlement to the account than Claimant [REDACTED 1], the Account Owner's great-granddaughter.

Amount of the Award

In this case, the Account Owner held one account of unknown type. 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 an account of unknown type was 3,950.00 Swiss Francs ("SF"). 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 49,375.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the Award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, Claimant [REDACTED 3] is the child of the Account Owner's son [REDACTED], Claimant [REDACTED 6] is the child of the Account Owner's son [REDACTED], represented party [REDACTED 2] is the child of the Account Owner's son [REDACTED], and represented parties [REDACTED 4] and [REDACTED 5] are the children of the Account Owner's son [REDACTED]. Accordingly, Claimant [REDACTED 3], Claimant [REDACTED 6], and represented party [REDACTED 2] are each entitled to one-quarter of the Award, and represented parties [REDACTED 4] and [REDACTED 5] are each entitled to one-eighth of the Award. As noted above, Claimant [REDACTED 1] is not entitled share in the Award.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
12 October 2007