

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Emma Rosenbaum

Claim Number: 401590/HB¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Emma Rosenbaum (the “Account Owner”) at the Luzerne 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’s paternal grandmother, Emma (Emilie or Emilia) Rosenbaum, née Perutz, who was born in approximately 1860 in Czechoslovakia, and was married to [REDACTED] sometime before 1883 in Czechoslovakia. The Claimant stated that his great-grandparents, who were Jewish, resided at 117 Bubeneč Street in Prague, Czechoslovakia (now Czech Republic), from approximately 1900 onwards. According to the Claimant, his great-grandparents had three children: [REDACTED], who was born on 13 September 1883 in Czechoslovakia and died there on 31 December 1945; [REDACTED]; and the Claimant’s maternal grandfather, [REDACTED], who was born on 16 April 1890 in Prague and died on 5 March 1963 in Haifa, Israel. The Claimant stated that that his great-grandparents perished at the hands of the Nazis in Czechoslovakia in approximately 1941. The Claimant further stated that his maternal grandfather, [REDACTED], was married to [REDACTED], née [REDACTED], and that they had two children: [REDACTED] and the Claimant’s mother, [REDACTED], née [REDACTED].

In support of his claim, the Claimant submitted a probate document, issued on 25 August 1995 by the Embassy of the Federal Republic of Germany, regarding the estates of [REDACTED], who was born on 16 April 1890 in Prague and died on 5 March 1963 in Haifa; [REDACTED],

¹ [REDACTED] (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 401631. The CRT will treat this claim in a separate determination.

née [REDACTED], who was born on 8 September 1901 in Pilsen, Czechoslovakia, and died on 30 November 1980 in Haifa; and [REDACTED], née [REDACTED], who was born on 22 June 1930 in Prague and died on 19 June 1983 in Haifa. This document indicates that [REDACTED] was the sole heir of [REDACTED], that [REDACTED] was the sole heir of [REDACTED], and that [REDACTED] is the sole heir of [REDACTED].

The Claimant indicated that he was born on 6 January 1965 in Haifa.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) Emma Rosenbaum, who resided in Prague. The Bank's record indicates that the Account Owner held one demand deposit account, which was opened on 24 March 1926 and closed 10 June 1947. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record 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 has plausibly identified the Account Owner. The Claimant's great-grandmother's name matches the published name of the Account Owner. The Claimant identified the Account Owner's city and country of residence, which matches unpublished information about the Account Owner contained in the Bank's record. The Claimant also identified the Account Owner's marital status which matches unpublished information about the title of the Account Owner contained in the Bank's record.

In support of his claim, the Claimant submitted a probate document indicating that his grandfather's family name was Rosenbaum and that he was born in Prague, providing independent verification that the person who is claimed to be the Account Owner's son had the same family name and resided in the same city recorded in the Bank's record as the family name and city of residence of the Account Owner.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different country of residence than the country of residence of 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 perished at the hands of the Nazis in Czechoslovakia in approximately 1941.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was the Claimant's great grandmother.

The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of a probate document regarding his grandfather's estate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Prague. 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.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 10 June 1947. Given that the Account Owner perished during the Second World War; that there is no indication in the Bank's records that the Bank was made aware of the Account Owner's death or had contact with the heirs after the War; 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 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 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 great grandmother, and that relationship justifies an Award. Third, 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. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the

average value of a demand deposit account was 2,140.00 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 26,750.00.

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
27 February 2007