

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also representing [REDACTED 2]

in re Account of Henri Rosenbaum

Claim Number: 211130/AZ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED] (the “Claimant”) to the account of Isaac Rosenbaum.² This Award is to the published account of Henri Rosenbaum (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 her brother, Henry Rosenbaum, who was born in Danzig, Germany (today Gdansk, Poland). The Claimant indicated that her family, which was Jewish, lived in Danzig, where her father owned a department store. The Claimant further indicated that her parents, [REDACTED], who was born in 1882 in Poland, and [REDACTED], née [REDACTED], had six children, all born in Danzig: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. In addition, the Claimant indicated that her father was a wealthy man and that he frequently traveled to Switzerland, where he owned bank accounts.

¹ In 1999, the Claimant submitted an Initial Questionnaire (“IQ”), numbered ENG-0119099, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and assigned claim number 702510. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 211130.

² The CRT did not locate an account belonging to Isaac Rosenbaum in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”).

The Claimant indicated that her family's assets, including real estate, furniture, and artwork, were looted by the Nazis in the fall of 1938, when her family was deported to the ghetto in Litmannstadt (Lodz), Poland. The Claimant further indicated that her father was shot by the Gestapo in December 1941, after refusing to reveal where his fortune was hidden. The Claimant indicated that she and her sister [REDACTED] were deported to Auschwitz in August 1944, after which they were moved to Mittelsteiner concentration camp, and on to Graffenort, where they were liberated in April 1945. Finally, the Claimant indicated that her brother Henry died in Ogdensburg, New York, the United States in 1999, and that her siblings [REDACTED], [REDACTED], and [REDACTED] are also deceased.

According to the Claimant, her relatives attempted to enter Switzerland after the War in order to recover her family's assets from the Swiss banks, but that they were not allowed into the country. The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Isaac and Riwka Rosenbaum.³

The Claimant indicated that she was born on 23 March 1925 in Danzig. The Claimant is representing her sister [REDACTED 2], née [REDACTED], who was born on 1 November 1922 in Danzig.

Information Available in the Bank's Records

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was Henri Rosenbaum, who resided in Germany.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, numbered 277.270. The Bank's records indicate that the account was opened on 22 May 1935 and was closed on 31 December 1977. 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 his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's brother's name matches the published name of the Account Owner.⁴ The Claimant identified the Account Owner's country of residence, which matches unpublished information about the Account Owner contained in the Bank's records.

The CRT notes that the name Henri Rosenbaum does not appear on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be

³ As stated above, the CRT did not locate an account belonging to Issac Rosenbaum in the Account History Database. Additionally, the CRT did not locate an account belonging to Riwka Rosenbaum in the Account History Database.

⁴ The CRT notes that Henri is a spelling variation of the name Henry.

probably or possibly those of victims of Nazi persecution and appears only once on the additional list of accounts published in January 2005 (the “2005 List”).

The CRT notes that the Claimant filed her Claim Form in 2001, asserting her entitlement to an account owned by her father and identifying the Account Owner as her brother, prior to the publication of the 2005 List. This indicates that the Claimant has based her claim not on the fact that an individual identified on the 2005 List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the 2005 List. It also indicates that the Claimant had reason to believe that her relatives owned Swiss bank accounts prior to the publication of the 2005 List. This supports the credibility of the information provided by the Claimant.

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. Taking all of 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, that he resided in Germany (now Poland), and that he and his family were deported to the Lodz ghetto in the fall of 1938.

The CRT notes that a database of victims includes persons named [REDACTED], who was born in 1882 and perished in the Lodz ghetto in December 1941, and [REDACTED], who was born in Danzig in 1928 to [REDACTED] and [REDACTED], who was deported to the Lodz ghetto, and who perished in Auschwitz, which matches the information provided by the Claimant regarding the Account Owner’s father and brother. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.⁵

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant’s brother. The CRT further notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank’s records; that the Claimant filed her claim in 2001, identifying the relationship between the Account Owner and the Claimant, prior to the publication of the 2005 List; and that the Claimant also identified information which matches information contained in the Yad Vashem records. 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 she has asserted in her

⁵ The CRT notes that the information regarding [REDACTED] consists of a list of Lodz ghetto inmates as well as testimony submitted by [REDACTED], the Claimant’s daughter, in 1990.

Claim Form. There is no information to indicate that the Account Owner has other surviving heirs apart from his sister Eva, who is represented by the Claimant.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 31 December 1977. Given that the Account Owner was deported to the Lodz Ghetto in 1940; that the Claimant's relatives attempted to recover their family's Swiss bank accounts after the Second World War but were denied entry into Switzerland; that there is no record of the payment of the Account Owner's account to him; that the closing date of the account contained in the Bank's records was Saturday, 31 December 1977, which was likely a default closure date; that the Account Owner and his heirs would not have been able to obtain information about his account after the 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 (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 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 her brother, 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 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 investigation carried out pursuant to ICEP instructions (the "ICEP Investigation"), in 1945 the average value of 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)(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 her sister, [REDACTED 2], née

[REDACTED]. The CRT notes that [REDACTED 2] has passed away. Accordingly, the Claimant and the Estate of 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 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
27 February 2007