

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Hans Rosenberg

Claim Numbers: 740897/MBC; 741126/ MBC; 702165/ MBC^{1, 2}

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Hans Josef Rosenberg (the “Account Owner”), over which Liselotte Rosenberg (“Power of Attorney Holder Rosenberg”) and Emil Guckes (“Power of Attorney Holder Guckes”) (together the “Power of Attorney Holders”) 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 an Initial Questionnaire (“IQ”) with the Court in 1999 identifying the Account Owner as her paternal uncle Hans Rosenberg, who was born in approximately 1890 and was married to Liselotte Rosenberg. The Claimant indicated that her aunt and uncle, who were Jewish, resided in Berlin until 1940, when they were deported to Auschwitz. The Claimant

¹ The CRT further notes that the names of Hans Rosenberg and Liselotte Rosenberg appear together on the 23 July 1997 list of non-Swiss dormant accounts published by the Swiss Bankers Association. The CRT further notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”) Hans Rosenberg and Liselotte Rosenberg are indicated as each having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account held by Hans Rosenberg, over which Liselotte Rosenberg and Emil Guckes held power of attorney.

² Claimant [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted Initial Questionnaires (“IQ”), numbered SPA-0005-083, ENG-0063-010 and SPA-001-068, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 741126, 702165 and 740897, respectively.

further indicated that the fates of her aunt and uncle are unknown. The Claimant indicated that she was born on 26 March 1923 in Czechoslovakia.

The Claimant previously submitted an IQ asserting her entitlement to a Swiss bank account owned by her father Marton Rosenberg.³

Information Available in the Bank's Records

The Bank's records consist of a safe deposit box customer card; power of attorney forms; a protocol for forcing open a safe deposit box; printouts from the Bank's database; and documents that were held in the safe deposit box: Hans Josef Rosenberg's birth certificate, indicating that he was born on 20 August 1900 in Frankfurt am Main, Germany, and that his family was Jewish; Lieselott Lebenheim's birth certificate, indicating that she was born on 4 June 1910 in Berlin, Germany; the marriage certificate of Hans Josef Rosenberg and Lieselott Lebenheim, indicating that they were married on 19 December 1928 in Berlin; Thomas Emanuel Rosenberg's birth certificate, indicating that his parents were Hans and Liselotte Rosenberg and that he was born in Berlin on 6 March 1932; and Johann Josef Rosenberg's certificate of residence, issued by the city of Mattersburg, Austria on 10 November 1928.

The Bank's records indicate that Account Owner was *Herr* (Mr.) Hans Rosenberg, who resided at Hohenstaufenstrasse 57 and later at Parkstrasse 7 in Berlin. According to these records, the Account Owner held a safe deposit box, which was numbered 998 and was opened on 18 July 1931, and that the Power of Attorney Holders were Emil Guckes and Liselotte Rosenberg, née Lebenheim, who was the Account Owner's wife. The Bank's records indicate that the power of attorney held by Power of Attorney Holder Guckes, who also resided in Berlin, was revoked on 15 May 1933. The Bank's records further indicate that the Bank forced opened the safe deposit box on 28 June 1938, and that its contents were transferred to a collective account. The Bank's records indicate that in addition to the documents listed above, the safe deposit box also contained one gold box; one gold watch; one emerald stone and various family documents. The fate of these assets is unknown. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner and Power of Attorney Holder Rosenberg. The Claimant further identified the relationship between the Account Owner and Power of Attorney Holder Rosenberg which matches unpublished information about the Account Owner contained in the Bank's records. The CRT notes that the name Hans Josef Rosenberg appears only once on the February 2001 published list of accounts determined by Independent

³ The CRT will treat the claim to this account in a separate determination.

Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution (“ICEP” or the “ICEP list”).

The CRT notes that the other claims to this account were disconfirmed because those claimants 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.⁴

Status of the Account Owner as Victims 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, resided in Nazi Germany, and that he was deported to Auschwitz in 1940 and that his subsequent fate is unknown.

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 her uncle. There is no information to indicate that the Account Owner or Power of Attorney Holder Rosenberg have other surviving heirs.

The CRT further notes that the Claimant identified unpublished information about the Account Owner and Power of Attorney Holder Rosenberg as contained in the Bank’s records; and that the Claimant filed an Initial Questionnaire with the Court in 1999. 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 Claim Form.

The Issue of Who Received the Proceeds

The Bank’s records indicate that the account remains open and dormant.

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 uncle and that relationship justifies an Award. Third, the CRT has

⁴ The CRT notes that the Claimant did not identify Power of Attorney Holder Guckes. The CRT further notes that there is no indication in the Bank’s records that the Account Owner and Power of Attorney Holder Guckes were related, that the Account Owner and Power of Attorney Holder Guckes have different last names, and that Power of Attorney Holder Guckes’ power of attorney was revoked on 15 May 1933. Therefore, the CRT concludes that the failure to identify Power of Attorney Holder Guckes does not affect the plausibility of the Claimant’s identification of the Account Owner.

determined that it is plausible that neither the Account Owner, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, the Account Owner held a safe deposit box. 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 safe deposit box was 1,240.00 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 15,500.00.

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 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
23 March 2007