

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
represented by [REDACTED]

and

Claimant [REDACTED 2]
also acting on behalf of [REDACTED]
represented by [REDACTED]

in re Account of Herbert Rosenthal

Claim Numbers: 209904/IG; 215525/IG

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of Herbert Rosenthal, and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) to the account of [REDACTED] (together “the Claimants”). This Award is to the account of Herbert Rosenthal (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published, but where the claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Information Provided by the Claimants

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her father, Herbert Rosenthal, also known as Herbert Rona, who was born on 11 June 1906 in Lukenwalde, Germany, and was married to [REDACTED] on 8 January 1922 in Frankfurt am Main, Germany, and later to [REDACTED], née [REDACTED], on 11 December 1948 in Salt Lake City, Utah, the United States. According to Claimant [REDACTED 1], Herbert Rosenthal, who was Jewish, was a co-owner, along with his father, of several hat factories located in Germany before the Second World War. Claimant [REDACTED 1] stated that between 1934 and 1945, in order to escape the Nazis, her father moved first to Paris, France, then to Amsterdam, The Netherlands, and further to Tel Aviv, Palestine, before finally settling in the United States in 1946. In support of her claim, Claimant [REDACTED 1] submitted her birth certificate, indicating that she was born to Herbert Rona and [REDACTED]; her marriage certificate; her

father's birth certificate; her father's Palestine identity card; her father's change of name certificate, indicating that his name was changed from Rosenthal to Rona as part of the United States naturalization procedure; her father's United States' certificate of naturalization; her parents' marriage certificate; and a family record from the Genealogical Department of the Church of Latter Day Saints, indicating Herbert Rosenthal or Rona was born on 11 June 1906 in Luckenwalde. Claimant [REDACTED 1] indicated that she was born on 8 December 1950 in Salt Lake City.

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as his maternal uncle, Herbert Rosenthal, also known as Herbert Rona. Claimant [REDACTED 2] indicated that he was born on 4 April 1929 in Munich, Germany, and that his mother, [REDACTED], née [REDACTED], who is the sister of the Account Owner and whom Claimant [REDACTED 2] represents in these proceedings, was born on 24 July 1907 in Germany.

Information Available in the Bank's Records

The Bank's records consist of a list of suspended accounts and an account statement. According to these records, the Account Owner was Herbert Rosenthal, who resided in Basel, Switzerland. The Bank's records indicate that the Account Owner held a demand deposit account in Dutch Florins. The account was transferred on 3 August 1949 to a suspense account for dormant assets and transferred to another suspense account for dormant assets on 24 June 1953. According to the Bank's records, the account was closed to the Bank's profit and loss account on 23 January 1964. The amount in the account on the date of its closure was 29.90 Swiss Francs.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 two claims of the Claimants in one proceeding.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's name matches the published name of the Account Owner. Claimant [REDACTED 1] stated that her father lived in Holland between 1934 and 1938, which is consistent with unpublished information contained in the Bank's records, indicating that the account was held in Dutch currency.¹ In support of her claim,

¹ The CRT notes that while the Bank's records indicate that the Account Owner had given the Bank an address in Basel, Switzerland, it is plausible that the Account Owner only used this as a temporary address in the same city where the branch of the Bank in which the deposit was made is located. It is also plausible given that the Account Owner was fleeing Nazi Germany and would not have wanted to reveal his actual place of residence.

Claimant [REDACTED 1] submitted numerous documents, including her birth certificate, indicating that she was born to Herbert Rona and [REDACTED], née [REDACTED]; her father's birth certificate; her father's Palestine identity card; her father's change of name certificate, indicating that his name was formally changed from Rosenthal to Rona as part of the United States naturalization procedure; her father's United States' certificate of naturalization; her parents' marriage certificate; and a family record from the Genealogical Department of the Church of Latter Day Saints, indicating Herbert Rosenthal or Rona was born on 11 June 1906 in Luckenwalde. The CRT further notes that the name Herbert Rosenthal appears only once 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. Furthermore, the CRT notes that there are no other claims to this account. 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

Claimant [REDACTED 1] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant indicated that the Account Owner was Jewish, and that he fled Germany to France, The Netherlands, and Palestine, in order to escape the Nazis.

The Claimants' Relationship to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and numerous documents demonstrating that the Account Owner was her father. These documents include her birth certificate, indicating that she was born to Herbert Rona and [REDACTED], née [REDACTED]; and her father's change of name certificate, indicating that his name was changed from Rosenthal to Rona as part of the United States naturalization procedure. Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting a family tree, which is consistent with the information provided by Claimant [REDACTED 1].

The Issue of Who Received the Proceeds

According to the Bank's records, the account was closed to the Bank's profit and loss account on 23 January 1964.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was their relative, and those relationships justifies an Award. Finally, the CRT has

determined 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 demand deposit account. The Bank's records indicate that the value of the demand deposit account as of 3 August 1949 was 29.90 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 26,750.00 Swiss Francs.

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 1] is the daughter of the Account Owner, and Claimant [REDACTED 2] and his mother, whom he represents, are the nephew and sister, respectively, of the Account Owner. Consequently, Claimant [REDACTED 1], as the direct descendant of the Account Owner, is entitled to the total award amount.

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
31 December 2003