

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by Daniel Gedalja, Frieda Gedalja, and Sabrina Gedalja

in re Account of Rosa Rossi

Claim Number: 300420/BI

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Julius Gedalja.¹ This Award is to the published account of Rosa Rossi (the “Account Owner”) at the Lugano 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, Ruža Gedalja, née Rossi, who was born on 4 October 1912 in Rijeci, Croatia, and was married to [REDACTED] in 1939 in Zemun, Yugoslavia. The Claimant stated that Ruža Gedalja worked as an administrator and lived with her husband, who was Jewish, in Belgrade, Yugoslavia (today Serbia), until 1941. The Claimant further stated that at that time, [REDACTED] was deported to a concentration camp located in Belgrade-Sajmiste and was not heard from again after the War. According to the Claimant, after her husband’s imprisonment, Ruža Gedalja fled with her husband’s daughter from his first marriage, [REDACTED], to Zagreb, Yugoslavia (today Croatia), where the Claimant was later born in June 1941.

In support of his claim, the Claimant submitted excerpts from an extensive family history, indicating that Ruža Rossi was the second wife of [REDACTED], whose first wife was [REDACTED], and that after her husband was deported to a concentration camp, she fled to Zagreb, where [REDACTED] was born. The Claimant indicated that he was born on 22 June 1941 in Zagreb.

¹ In a separate decision, the CRT treated the Claimant’s claim to the accounts of Julius Gedalja. See *In re Account of Julius Gedalja* (approved on 6 May 2006).

Information Available in the Bank's Records

The Bank's records consist of printouts from the Bank's database. According to these records, the Account Owner was Rosa Rossi. The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated. The records further indicate that the account was transferred to a suspense account, where it remains today. The amount in the account as of 17 March 1998 was 6.55 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's first and maiden names match the published name of the Account Owner.² The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name.

In support of his claim, the Claimant submitted documents, including excerpts from an extensive family history providing independent verification that the person who is claimed to be the Account Owner had substantially the same name recorded in the Bank's records as the name of the Account Owner. The CRT notes that the name Rosa Rossi appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by a relative of the Claimant in 1999, which indicates that [REDACTED] was from Belgrade, Yugoslavia, and that he had a wife named [REDACTED], which matches information about the Account Owner's husband provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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

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 forced to flee Belgrade after her

² The CRT notes that the Account Owner's first name was Rosa and that the Claimant indicated that his mother's name was Ruža. The CRT further notes that Ruža is a variation of the name Rosa and concludes that this discrepancy does not adversely affect the Claimant's identification of the Account Owner.

husband, who was Jewish,³ was deported to a concentration camp and was never heard from again after the War. As noted above, a person named [REDACTED] was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include excerpts from a detailed family history, indicating that the Claimant was born on 22 June 1941 in Zagreb and that Ruža Rossi was his mother. The CRT notes that the Claimant indicated that there may be other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred on an unknown date to a suspense account, where it remains today.

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 his mother, and that relationship justifies an Award. Third, the CRT has determined 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 an account of unknown type. The Bank's records indicate that the value the account as of 17 March 1998 was SF 6.55. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 905.00, which reflects standardized bank fees charged to the account between 1945 and 1998. Consequently, the adjusted balance of the account at issue is SF 911.55. According to Article 29 of the Rules, if the amount in a account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

³ The CRT notes that the Claimant did not specifically state whether or not the Account Owner was Jewish. Nonetheless, since the Claimant specifically indicated in his Claim Form that the Account Owner's husband was Jewish, she would have been persecuted as Jewish under Nazi racial laws even if she herself were not Jewish.

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
30 May 2007