

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Simon Rothschild

Claim Number: 779995/SJ¹

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Simon Rothschild (the “Account Owner”) at the Basle 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”) identifying the Account Owner as his father, Simon Rothschild, who was born on 31 July 1886, in Voelkershausen, Germany and was married to [REDACTED] in 1919 in Germany. The Claimant indicated that his parents had two children, himself and his sister [REDACTED], who was born 1921 and who died in 2003. The Claimant further indicated that his father, who was Jewish, was a businessman who lived with his wife in Stadtlengsfeld, Germany, until approximately 1939, when the Nazis forced him to sell his house. The Claimant indicated that his parents then moved to Frankfurt am Main, Germany, where they lived with relatives until 19 October 1941, when they were deported to Lodz, Poland. The Claimant stated that his father had told him that monies had been sent to the Claimant’s paternal aunt, his father’s sister [REDACTED], who had moved to Switzerland in 1934 or 1935, for deposit into a Swiss bank. The Claimant indicated that his father had done this in order to have funds outside Germany in the event that he was able to flee. Finally, the Claimant added

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG 0392 058, 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 has been assigned claim number 779995.

that his father died in Lodz on 18 December 1941. The Claimant submitted his birth certificate, stating that he was born on 27 April 1923 to Simon and [REDACTED] Rothschild.

As noted above, the Claimant stated that he was born on 27 April 1923 in Stadtlengsfeld.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Simon Rothschild who resided in Frankfurt am Main, Germany. The Bank's record indicates that the Account Owner held a safe deposit box numbered 869. The Bank's record indicates that the safe deposit box was closed by 1945. The Bank's record does not indicate the value of the contents of the safe deposit box. There is no evidence in the Bank's records that the Account Owner or his heirs closed the safe deposit box and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence as Frankfurt am Main, which matches unpublished information about the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Simon Rothschild, and indicates that his date of birth was 31 July 1886 and that his date of death was 18 December 1941, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT also notes that the name Simon Rothschild 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 (the "ICEP List").

Furthermore, the CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Simon Rothschild, prior to the publication of accounts in February 2001 of the ICEP List. This indicates that the Claimant has based his claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. The CRT notes that there are no other claims to this account. Taking all 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 was forced to sell his family home in Stadtlengsfeld, Germany and that he was deported to Lodz, where he perished. As noted above, a person named Simon Rothschild 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 father. These documents include his birth certificate, showing that he is the son of Simon and [REDACTED] Rothschild. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in Lodz; that there is no record of the payment of the Account Owner's account to him, nor specific date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 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 his father, 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 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 investigation carried out pursuant to the instructions of ICEP (the "ICEP Investigation"), in 1945 the average value of a 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 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
31 March 2005